

EXHIBIT M

In The Matter Of:

*Triarch Architectural Services, P.C. v.
Medallion Inc., et al.*

*Vladimir Voronchenko
Vol. 1, June 7, 2012*

*Greenhouse Reporting, Inc.
Computerized Litigation Support
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[1]
[2] UNITED STATES DISTRICT COURT
[3] SOUTHERN DISTRICT OF NEW YORK
[4]
[5] TRIARCH ARCHITECTURAL SERVICES,
[6] Plaintiff,
[7] -against-
[8] MEDALLION INC., VLADIMIR VORONCHENKO,
[9] and GARTH HAYDEN ARCHITECT
[10] Defendants.
[11]
[12]
[13] June 7, 2012
[14] 9:34 a.m.
[15]
[16] DEPOSITION of VLADIMIR VORONCHENKO,
[17] taken by the Plaintiff, pursuant to Notice and
[18] Order, at the law offices of MANDEL BHANDARI,
[19] LLP, 11 Broadway, New York, New York, before
[20] Karen Perlman, RPR, a Shorthand Reporter and
[21] Notary Public within and for the State of New
[22] York.
[23]
[24] GREENHOUSE REPORTING, INC.
875 Sixth Avenue - Suite 1716
[25] New York, New York 10001
(212) 279-5108

[1]
[2] STIPULATIONS
[3] IT IS HEREBY STIPULATED AND AGREED
[4] by and between the attorneys for the respective
[5] parties hereto, that all objections, except as to
[6] form, shall be reserved to the time of trial.
[7] IT IS FURTHER STIPULATED AND AGREED
[8] that the sealing and filing of the within
[9] deposition are hereby waived.
[10] IT IS FURTHER STIPULATED AND AGREED
[11] that the within deposition may be subscribed and
[12] sworn to by the witness being examined before a
[13] Notary Public other than the Notary Public before
[14] whom this deposition was begun.
[15]
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Page 2

[1]
[2] APPEARANCES:
[3]
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[10]
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[13] Vladimir Voronchenko
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[17] BY: SAM P. ISRAEL, ESQ.
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[19] GOGICK, BYRNE & O'NEILL, LLP
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[22] New York, New York 10004
[23] BY: ALBERT WESLEY MCKEE, ESQ.
[24]
[25]

[1] *V. Voronchenko*
[2] VLADIMIR VORONCHENKO, having
[3] been first duly sworn by the Notary
[4] Public, was examined and testified under
[5] oath as follows:
[6]
[7] (Plaintiff's Exhibit 36, document
[8] dated 6/7/12, marked for identification.)
[9] (Plaintiff's Exhibit 37, document
[10] entitled, "Summons in a Civil Case", marked
[11] for identification.)
[12] (Plaintiff's Exhibit 38, document
[13] entitled, "Summons in a Civil Action",
[14] marked for identification.)
[15] EXAMINATION
[16] BY MR. MANDEL:
[17] Q: Good morning, Mr. Voronchenko.
[18] A: Morning. Morning.
[19] Q: Have you ever been deposed in the
[20] United States before?
[21] A: No.
[22] Q: There are a few ground rules I'll go
[23] over with you. One is because everything — a
[24] court reporter is taking down all of your
[25] testimony today, it is important that all of your

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[1] **V. Voronchenko**
[2] answers be spoken.
[3] **MR. ISRAEL:** Evan, slower, though,
[4] okay, slower.
[5] **Q:** The court reporter can't take down
[6] nods of the head, or mm-hmms or um-hmms, the
[7] court reporter can only take down words.
[8] Second, it's important for you and I
[9] to try not to interrupt each other, it becomes
[10] very difficult for the court reporter to take
[11] down testimony —
[12] **A:** No interrupt.
[13] **Q:** Exactly.
[14] **A:** Okay.
[15] **Q:** Third, I'm going to assume that you
[16] understand all of my questions. As you explained
[17] to me before you started, English is not your
[18] first language.
[19] If at any point today, you think
[20] maybe possibly you don't understand one of my
[21] questions, even if you're unsure about whether or
[22] not you understand it, please stop me, and I will
[23] clarify the question.
[24] **A:** Okay.
[25] **Q:** And, finally, you're entitled to

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[1] **V. Voronchenko**
[2] like that.
[3] **Q:** How about in 2011, approximately how
[4] much time did you spend in New York in 2011?
[5] **MR. ISRAEL:** That is in New York,
[6] not necessarily the apartment, right,
[7] you're just saying how long in New York?
[8] **MR. MANDEL:** Correct.
[9] **A:** Maybe three months.
[10] **Q:** And when you're in New York, do you
[11] ever not stay at the apartment?
[12] **MR. ISRAEL:** You mean now, right?
[13] **MR. MANDEL:** Correct.
[14] **Q:** In 2011, was there anytime you
[15] stayed in New York but didn't stay at the
[16] apartment?
[17] **A:** No, I just — I just occupied this
[18] apartment in October or in November 2011. And
[19] it's very difficult to say about this apartment
[20] in '11, because we just finished to ren — to do
[21] something.
[22] **Q:** When was the renovation on the
[23] apartment complete?
[24] **A:** Finished?
[25] **Q:** Finished.

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[1] **V. Voronchenko**
[2] take a break at any time you would like.
[3] **A:** Okay.
[4] **Q:** Just say so. Would it be all right
[5] if I refer to the apartment on the 21st floor of
[6] 515 Park Avenue as the apartment today?
[7] **A:** You ask — what — sorry. First —
[8] **MR. ISRAEL:** He wants you to know
[9] that when he refers to "the apartment" —
[10] **THE WITNESS:** Yes.
[11] **MR. ISRAEL:** — he's referring to
[12] the apartment on the 21st floor, that is
[13] what he's talking about.
[14] **THE WITNESS:** Yes, yes, yes. We're
[15] talking about this apartment.
[16] **Q:** And you understand that that
[17] apartment is what this case is about?
[18] **A:** Yes.
[19] **Q:** Do you live in that apartment?
[20] **A:** When I'm in New York, yes.
[21] **Q:** And how often are you in New York?
[22] **A:** Three months a year. Between three,
[23] four months a year, it depends on the year. One
[24] year I can live two months, one year I can live
[25] four months, one year three months, so something

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[1] **V. Voronchenko**
[2] **A:** October, November of 2011.
[3] Something like this. October. I don't remember
[4] exactly.
[5] **Q:** And when was the first time you
[6] stayed in the apartment?
[7] **A:** Me personally?
[8] **Q:** You personally.
[9] **A:** I think in November. Because I was
[10] out from United States.
[11] **MR. ISRAEL:** November of 2011?
[12] **THE WITNESS:** '11, yes. November
[13] 2011. I live in this apartment like total
[14] maybe six, seven — me personally, I live
[15] in this apartment maybe couple of weeks
[16] altogether, during all of this period.
[17] **Q:** And who else lives in the apartment?
[18] **A:** My wife and two kids.
[19] **Q:** And what is your wife's name?
[20] **A:** Sorry?
[21] **Q:** What is your wife's name?
[22] **A:** Lisa Kharlamov, Lisa Kharlamov.
[23] **Q:** How do you spell her last name?
[24] **A:** K-H-A-R-L-A-M-O-V.
[25] **Q:** You have two children?

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[1] **V. Voronchenko**

[2] A: Yes.

[3] Q: Is it one boy and one girl?

[4] A: (Witness nods.)

[5] Q: How old is the boy?

[6] A: 15.

[7] Q: And how old is the girl?

[8] A: 21.

[9] Q: Who owns the apartment?

[10] A: Medallion Company, Medallion.

[11] Q: What business is Medallion in?

[12] A: Real estate.

[13] Q: Do you pay Medallion —

[14] MR. MANDEL: Withdrawn.

[15] Q: Do you pay Medallion any rent?

[16] A: No, not yet.

[17] Q: Are you going to pay them rent at some point?

[18] A: I think no.

[19] Q: And do you own Medallion?

[20] A: No.

[21] Q: Who owns Medallion?

[22] A: Very long chain, trust, another trust, Russian — big group, very big group.

[23] Q: And when you say a big Russian

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[1] **V. Voronchenko**

[2] MR. ISRAEL: Could I ask you something? He's concerned about this person's — the person has concerns about having his interest be known publicly. So could we keep this part of the deposition confidential, just this one area I want to keep confidential. Do you have a problem with that? You'll get the information but can we keep it confidential so it is not generally available to the public?

[12] MR. MANDEL: There is a confidentiality dispute that the court is currently ruling on. Unfortunately, my client has not authorized me to enter into any confidentiality agreements here today; however, what we have agreed to is to keep things confidential unless and until the court rules on the defendant's motion for a protective order in the case.

[21] So that protective order is currently in place pursuant to that agreement. And we will continue to abide by that protective order, pending the court's ruling on the defendant's motion.

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[1] **V. Voronchenko**

[2] group, do you mean a lot of different people or

[3] do you mean one big Russian entity?

[4] A: Oh, it's one big group, and several

[5] people involved in the group, not me included in

[6] this group.

[7] Q: So you don't own any part of

[8] Medallion, either directly or indirectly?

[9] A: No, no. Not directly, not — not

[10] directly.

[11] Q: So Medallion is letting you and your

[12] family live in the apartment for free?

[13] A: Yes.

[14] Q: And why do they do that?

[15] A: Because main owner of this huge

[16] group, he is my friend from — from my birthday,

[17] maybe and we — we were — we lived to

[18] one — when we was — okay. From the beginning,

[19] we live in one small West Ukrainian city. We are

[20] from this city together, you know, we — we are

[21] friends from the very small age. Our families

[22] friend and we studied in one school and we

[23] continue our relation all our life.

[24] Q: And what is his name?

[25] A: This is not —

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[1] **V. Voronchenko**

[2] So this — what I understand is you

[3] would like to designate this section of the

[4] transcript addressing the ownership of

[5] Medallion as confidential under the

[6] protective order?

[7] MR. ISRAEL: What I would like to do

[8] is have the court reporter put on the top

[9] of the page, "Confidential," and then when

[10] this testimony is over she can remove that

[11] confidential designation, okay? Subject to

[12] what you just said.

[13] MR. MANDEL: Subject to what we just

[14] said, that it would be consistent with the

[15] protective order that is in place, pending

[16] the resolution, so I have no problem with

[17] that.

[18] MR. ISRAEL: Okay.

[19] (The following portion has been

[20] deemed confidential.)

[21]

[22]

[23]

[24]

[25]

[1] Confidential
[2] A: This is not big secret, but I don't
[3] want to distribute his name, you know, he's the
[4] one that is the biggest guy in our company, his
[5] name is Vekselberg.
[6] Q: How do you spell his last name?
[7] A: Vekselberg, V-E-X-S-E-L-B-E-R-G,
[8] Vekselberg. Oh, sorry, not X, Vek, V-E — E-K,
[9] K-S, Vekselberg, Victor.
[10] Q: Again, you know far more English
[11] than I know Cyrillic.
[12] A: It's not very rare name.
[13] Vekselberg.
[14] Q: Why is it important that
[15] Mr. Vekselberg's name remain confidential?
[16] A: It's important, because he is very
[17] famous guy in our country, and I don't want to
[18] involve his — his name in this process, I tell
[19] you this name.
[20] Q: So you're —
[21] A: He was official person. He is big
[22] person. He is very well known. If you open
[23] Internet you will understand why I don't want to
[24] talk too much about his name. It's very easy.
[25] Q: So your concern is that there might

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[1] Confidential
[2] became public, would that hurt Medallion as a
[3] company?
[4] A: If it's his name would be public, I
[5] don't understand.
[6] Q: Sure. I understand that
[7] Mr. Vekselberg dislikes publicity, and I don't
[8] want to cause his name to be in the paper.
[9] A: No. All this business is belonging
[10] to his holding and groups. I don't — I don't
[11] know even how it's built inside, you know.
[12] Q: Does Medallion have competitors?
[13] A: Competitors?
[14] Q: Yes.
[15] MR. ISRAEL: Calls for a legal
[16] conclusion.
[17] Q: Medallion is in the real estate
[18] business, you said?
[19] A: Yes, Medallion has some — another
[20] — another things in Russia, I don't know what.
[21] Q: Does —
[22] A: I don't know really how its work,
[23] because this company bought the apartment and how
[24] it was — how it was, I don't know. I don't — I
[25] don't know that.

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[1] Confidential
[2] be some negative publicity?
[3] A: Yes, of course, that's it.
[4] Q: Would allowing his name to become
[5] public in relation to this case help Medallion's
[6] competitors compete against Medallion?
[7] A: I don't understand. Sorry.
[8] Q: That is fine, if you don't
[9] understand a question just speak up, I'll
[10] rephrase the question.
[11] A: Yes.
[12] Q: I understand that you don't want
[13] Mr. Vekselberg to have any publicity in
[14] connection with this case.
[15] A: No, really — I didn't ask him about
[16] this because it's any publicity for very
[17] well-known people, it's not so great, as I
[18] understood it, this is my feeling, any publicity.
[19] He doesn't like any press, any this any of that.
[20] When you open the Internet to check
[21] who this person is, you will understand
[22] why — it's not problem, I tell you the name
[23] and — if it's possible, not to — not too many
[24] information out. If it's not possible —
[25] Q: Right. Right. Would — if his name

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[1] Confidential
[2] Q: Do you know exactly what Medallion's
[3] business interests are?
[4] A: He bought some real estate in
[5] different places.
[6] Q: And what kind of real estate?
[7] A: Like in investment. Like
[8] investment.
[9] Q: Is it mostly residential real
[10] estate?
[11] A: I don't even know, really. I think
[12] different. The investment, you can make
[13] investment in any kind of real estate. This or
[14] that.
[15] Q: When Medallion invests in real
[16] estate, do the people who are selling him the
[17] real estate or leasing him the real estate, do
[18] they know Mr. Vekselberg owns Medallion?
[19] MR. ISRAEL: Objection, misstates
[20] testimony.
[21] A: Of course not. Mr. Vekselberg has
[22] around — as I know, around 700 to 800 companies,
[23] official companies. Definitely people don't know
[24] about this. I a hundred percent know, it would
[25] be very unusual if they know about this.

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[1] Confidential
[2] Q: Did Medallion purchase the apartment
[3] as an investment?
[4] A: I think, yes.
[5] Q: Did he also purchase it so that you
[6] could live there?
[7] A: Yeah. Because he's my friend and he
[8] told me, okay, help to make nice decoration,
[9] design, da-da-da-da, and you can live couple
[10] of years or how many years, I don't know. We are
[11] working together where — we are really very
[12] close friends.
[13] Q: Do you have a business relationship
[14] as well with Mr. Vekselberg?
[15] A: Yes, yes.
[16] Q: And you invest together in different
[17] businesses?
[18] A: You know, what you want to — to
[19] know about this, about my relations with Victor
[20] Vekselberg, it is very far from the question of
[21] design and decoration of my apartment, you know.
[22] Q: Okay.
[23] MR. MANDEL: I'll withdraw that
[24] question.
[25] A: You can ask me about my girlfriends

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[1] **V. Voronchenko**
[2] Q: When — when Medallion first
[3] considered buying the apartment, was the plan to
[4] buy an apartment that you could live in?
[5] A: Me?
[6] Q: Yes. What I'm asking is at the
[7] very — you know, at what time, did Medallion buy
[8] the apartment?
[9] A: What time?
[10] Q: Yes. When, when did Medallion buy
[11] the apartment.
[12] A: I don't remember. Four, five years
[13] ago. I don't remember, maybe five years ago,
[14] something like that.
[15] Q: And at the time Medallion was
[16] considering whether to buy that apartment, was
[17] Medallion's plan to buy the apartment and then
[18] renovate it and design it and then have you move
[19] in?
[20] A: I thought, you know what — what his
[21] company real estate do with apartments, with real
[22] estate. They buy, they doing the nice condition,
[23] always, you know, and after this, they think what
[24] to do, what to keep or to sell or to wait and
[25] different because when they large, big, large

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[1] Confidential
[2] and about this, it's the same question. Sorry
[3] about that, you know, it's really too far from
[4] the question of what we are talking today now.
[5] Q: Okay?
[6] A: He's my very, very close friend. If
[7] you open the Internet and my, for example, name,
[8] you will see a lot of publication where we are
[9] together, this, this, and this, many, many, many
[10] times, you know. And we're really very close
[11] friends, and this is my answer for your question.
[12] You can check it even by Russian press, you know.
[13] About this.
[14] (Continued in nonconfidential portion
[15] of transcript.)

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[1] **V. Voronchenko**
[2] group, they invest money into different,
[3] different, different projects, you know, just
[4] to — to make the money more secure and more
[5] stable. It's typical business strategy. You
[6] know, not buy and sell, buy and sell, buy and
[7] keep it for — for some years, maybe 5 years,
[8] maybe 10 years, maybe 20 years, you know, because
[9] it is very good invested money, if it's
[10] right — right property.
[11] Q: So when Medallion first considered
[12] buying the apartment, its plan was to buy the
[13] apartment, renovate it, hold it for a period of
[14] time and then sell it, hopefully, for a profit?
[15] A: Sell it, who knows when sell it. I
[16] never ask. I never ask them about their future
[17] plans. This is a multi, multi, multbillions
[18] group, you know, multbillions group. And my
[19] friend, he is in Forbes in a very good position
[20] and for his group, this apartment, you know, it's
[21] like — like not big investment. And
[22] they — they do investment in many
[23] different — many different areas, you know.
[24] Q: And at the time they were planning
[25] to buy the apartment and then renovate it and

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[1] **V. Voronchenko**
[2] then perhaps sell it at some point in the future,
[3] was the plan for you to live in it before it was
[4] sold?
[5] **A:** Listen, it was — it's a life, you
[6] know, and before I rent the apartment, sometimes
[7] my friend tell me, listen, I buy a apartment, do
[8] the repair and do the decoration, live it, live
[9] in this apartment. Okay. Thank you very much.
[10] **Q:** And when did he say that to you?
[11] **A:** A couple of years ago.
[12] **Q:** Did you go view the apartment before
[13] it was purchased?
[14] **A:** Before what?
[15] **Q:** Before Medallion purchased it,
[16] before Medallion bought the apartment.
[17] **A:** I don't remember.
[18] **MR. ISRAEL:** Did you see the
[19] apartment before Medallion actually
[20] acquired it? Did you see it beforehand?
[21] **THE WITNESS:** Me personally, I think
[22] no.
[23] **Q:** Before Medallion bought the
[24] apartment, did anyone talk to you and say is this
[25] the kind of apartment you would like to live in?

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[1] **V. Voronchenko**
[2] don't you live in this apartment, was that before
[3] any of the renovations had been done to it?
[4] **A:** He ask me before, please help me to
[5] make excellent, beautiful decoration, repairing
[6] and da-da-da-da.
[7] **Q:** So were you then responsible for
[8] overseeing the renovation of the apartment?
[9] **A:** Sorry, I didn't get the question.
[10] **Q:** Were you — he told you to help
[11] make —
[12] **A:** Yes.
[13] **Q:** — the apartment a beautiful
[14] apartment?
[15] **A:** Yeah, yeah, yeah.
[16] **Q:** Were you in charge of doing that?
[17] **A:** He —
[18] **Q:** No, you. In other words, were you
[19] in charge of saying I need to make all the
[20] decisions that need to be made in order to make
[21] this —
[22] **A:** No. Listen, he — he thinks, maybe
[23] wrong or maybe right, I have good taste. I don't
[24] know. Maybe he has some reasons. And he told me
[25] do this for your taste, nice apartment for — for

Page 23

[1] **V. Voronchenko**
[2] **A:** Not really.
[3] **Q:** So —
[4] **A:** Not really, because he wanted to buy
[5] apartment for — I don't remember, for his family
[6] or for somebody from family, but somebody from
[7] his family move to another place, and the result
[8] was like this.
[9] He wanted — I remember — to buy
[10] this apartment for his daughter. But his
[11] daughter moved to Moscow, you know. The
[12] apartment is like — he doesn't want to sell
[13] because he doesn't need money immediately, you
[14] know, he's looking to make a real estate
[15] grows — growth up, and this is the world. Not
[16] like, you know, a strategy plan, you know.
[17] If — if his daughter not move to
[18] Moscow, I think I'll not live in this apartment,
[19] you know, it's very easy.
[20] **Q:** And when Mr. Vekselberg —
[21] **MR. ISRAEL:** Berg.
[22] **MR. MANDEL:** Did I get it wrong?
[23] **A:** Vekselberg.
[24] **Q:** Vekselberg, I apologize.
[25] When Mr. Vekselberg said to you why

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[1] **V. Voronchenko**
[2] your taste. And I tried to do the best
[3] what — what I can — what I can like personally
[4] and we are very similar with them. He's more
[5] concentrate with the business, with the oil,
[6] metals, I am doing a little bit in another
[7] business.
[8] **Q:** What business are you in?
[9] **A:** I have different business. I am
[10] involved in art, in luxury business, something
[11] like that. In foundation, in museums.
[12] I built in Russia now two museums,
[13] big one. First two private museums in Russia.
[14] Because we have with my friend, Victor, has huge
[15] collection, and we started to build, like, a home
[16] for the collection. And it's a beautiful museum.
[17] Because he bought — nine or ten years ago, we
[18] bought with them the Forbes collection of
[19] imperial Faberg eggs, you don't remember the
[20] story, but if you open the Internet you'll see
[21] this, from Forbes family. He paid a lot of
[22] money, around 150 million for this, for this
[23] beautiful Forbes Faberg eggs.
[24] **Q:** And are those — is that Faberg egg
[25] collection going to go in one of your private

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[1] **V. Voronchenko**

[2] museums?

[3] **A:** Yes. And we continue to create the
[4] collection and we spent a lot of time and I
[5] personally spent a lot of time for this.

[6] **Q:** Do you have any business in New
[7] York?

[8] **A:** No. Never.

[9] **Q:** And —

[10] **A:** I just did one business in New York,
[11] and very funny story. We have very old church,
[12] monastery in Moscow. And after revolution, 1917
[13] revolution, and this Daniel Lovski Church has
[14] bells. You know bells, you know? It was 19
[15] bells. So the weight of the bells is like — the
[16] weight of the bells is like 20 or 30 tons. It's
[17] huge, huge bells, you know.

[18] And one American businessman bought
[19] these bells from Russian. This is no — this is
[20] — I think you don't need this, to put this.
[21] This is like —

[22] **Q:** She has to take everything down.

[23] **A:** Okay. I am not go on about this.

[24] **Q:** You can tell me about that on a
[25] break.

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V. Voronchenko

[1] V. Voronchenko

[2] A: Don't tell her about my not —

[3] Q: Did you have any role in deciding

[4] what neighborhood Medallion would purchase an

[5] apartment in?

[6] A: My role in Medallion —

[7] Q: Did you participate in the decision

[8] to buy an apartment on, you know, Park Avenue,

[9] around 60th Street?

[10] A: I don't know. He asked me because I

[11] know New York — I know Manhattan better than I

[12] knows, yeah.

[13] Q: And what do you think of that

[14] neighborhood?

[15] MR. ISRAEL: Objection.

[16] You can answer.

[17] A: Listen, who can tell this is bad?

[18] It's — it's not bad, especially for his

[19] position, it's — it's normal.

[20] Q: How much did the apartment cost?

[21] A: That, 10-something, as I know. 10

[22] million-something.

[23] Q: Between 10 and \$11 million?

[24] A: Yeah, something like this.

[25] Q: Do you know what country Medallion

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V. Voronchenko

[2] A: Yes.
[3] Q: Have you ever had a business in New
[4] York?
[5] A: No.
[6] Q: Your wife, Lisa?
[7] A: Yes.
[8] Q: Has she always lived in New York?
[9] A: Yes. Sometimes in Moscow, of
[10] course, sometimes in New York.
[11] Q: Is she from New York or from Russia?
[12] A: From Russia. From Ukraine, of
[13] course, yes.
[14] Q: But she's lived most of the time in
[15] New York for many years?
[16] A: She lives in New York more than in
[17] Moscow, I can say like this.
[18] Q: And that has been true for many
[19] years?
[20] A: Yes.
[21] Q: And how long have you and Lisa been
[22] married?
[23] A: 16 years, or 15, or 16. Maybe 16.
[24] Q: It's only important on your
[25] anniversary to get this right.

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V. Voronchenko

[2] is incorporated in?

[3] A: No.

[4] Q: Do you know what year it was formed?

[5] A: Sorry?

[6] Q: Do you know what year Medallion was

[7] created in?

[8] A: I don't know.

[9] Q: Has anybody, other than

[10] Mr. Vekselberg, invested in Medallion?

[11] A: Nobody. Listen, this is his group,

[12] I don't know how it's inside.

[13] **MR. ISRAEL:** I don't think he

[14] understood your question, because earlier

[15] he said that there was a group and that was

[16] another group that had that group.

[17] **MR. MANDEL:** Sure.

[18] A: It's like very complicated always,

[19] as I know. As I can — as I can imagine. I'm

[20] not sure.

[21] Q: Sure.

[22] Sitting here today, do you know of

[23] any person, other than Mr. Vekselberg, who has

[24] invested in Medallion?

[25] A: No.

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Page 29

[1] **V. Voronchenko**
[2] Q: Did you or Medallion ever consider
[3] not renovating the apartment?
[4] MR. ISRAEL: Objection. He — you
[5] want to know whether him or
[6] Medallion — it's a compound question,
[7] really, because you want to know whether he
[8] did or Medallion did.
[9] A: I didn't understand, sorry, anyway.
[10] Thank you for your advice but I did not
[11] understand.
[12] Q: Sure, sure.
[13] Did anyone ever say —
[14] MR. MANDEL: Withdrawn.
[15] Q: What condition was the apartment in
[16] when it was purchased by Medallion?
[17] A: Not good. What do you mean not
[18] good? It's not good, it's okay, because very
[19] nice — I don't know. It's nice, nice floor and
[20] typical doors from the beginning. It was
[21] like — it was like from the — when the building
[22] was — was built, 60 or 70 years ago.
[23] Q: Did Medallion ever think about
[24] possibly not renovating the apartment?
[25] MR. ISRAEL: Objection. Calls for

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[1] **V. Voronchenko**
[2] For this apartment, for my feeling,
[3] the best, the best was art deco, art deco style,
[4] but I wanted to do contemporary art deco, art
[5] deco, but in current time and that's it.
[6] Q: And when Mr. Vekselberg asked you to
[7] renovate the apartment, did he give you a budget?
[8] A: Not really. Not really. Nice, it's
[9] nice, it means nice, not something unbelievable,
[10] but it has to be nice. This apartment, many
[11] different people worked with — with this
[12] apartment, not only — not only Triarch.
[13] Q: Who else worked on the apartment?
[14] A: From the beginning, it was — how is
[15] the name of this company? From Moscow.
[16] MR. ISRAEL: Do you want me to
[17] suggest to him the name?
[18] Q: Did Libracon work?
[19] A: Yeah. Libracon. Yes. Libracon.
[20] This company do something for me and do something
[21] for Mr. Vekselberg, the Libracon company, and
[22] they helped me with design, with connection, with
[23] the factory, with the producers.
[24] Q: And is that factory Tempora Mobile?
[25] A: I don't know, this is not my job, I

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[1] **V. Voronchenko**
[2] speculation. Also it's a double negative.
[3] A: I don't know. He asked me to help
[4] renovate, what they think about it, what they
[5] think about before, I don't know, it's very
[6] difficult for me to say this.
[7] Q: Did you ever suggest to Medallion
[8] that the apartment should not be renovated?
[9] A: I didn't think about this. People
[10] ask me to do some — to help with some job and to
[11] make some nice project and —
[12] Q: What were the goals of the
[13] renovation?
[14] A: Goals, what does it mean "goals"?
[15] Q: What was the objective? What did
[16] you want to achieve with the renovation?
[17] A: Listen, I am very — I had message,
[18] do nice, do beautiful, you know. This was only
[19] one message, how beautiful for your taste, but
[20] beautiful. Okay. My taste is very different,
[21] you know, for New York, for this area. I — a
[22] lot — I work a lot of — in different arts,
[23] arts, I was, you know. And I concentrate very
[24] much with arts. And I understand how — how its
[25] work, you know.

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[1] **V. Voronchenko**
[2] don't know the name of the factory because I
[3] never contact with this factory.
[4] Q: Do you know what country the factory
[5] was in?
[6] A: I know Italy. Of course I know.
[7] Q: Does or did Libracon have any
[8] relationship with the factory?
[9] A: Yeah. Libracon — Libracon has a
[10] relationship with this factory.
[11] Q: And do you know what the nature of
[12] that relationship was?
[13] A: I don't know. I think they used
[14] this factory before, as I understand —
[15] understood.
[16] Q: And do you know if Libracon owns any
[17] part of the factory?
[18] A: No.
[19] Q: Do you know if Libracon gets a
[20] commission when it refers business to the
[21] factory?
[22] A: No.
[23] Q: Other —
[24] A: I think no, because — I have a lot
[25] of businesses in Russia, I was not involved very

[1] **V. Voronchenko**
[2] deeply in this project, and I — I never checked
[3] this project everyday but Libracon checked the
[4] situation everyday.
[5] **MR. ISRAEL:** You shouldn't guess.
[6] If you don't know the answer to something,
[7] just say you don't know and don't guess.
[8] **A:** Yeah, but I try to — just try to
[9] explain, you know —
[10] **MR. ISRAEL:** I know.
[11] **Q:** Yes.
[12] **A:** — for the future questions.
[13] **Q:** That is very important, I'm only
[14] trying to get information you have. So if you
[15] don't know something, it's very important for you
[16] to say "I don't know."
[17] **A:** Okay.
[18] **Q:** Other than Libracon and the Italian
[19] factory, who else provided services in renovating
[20] the apartment?
[21] **MR. ISRAEL:** You mean other than
[22] laborers also? You're not talking about
[23] the people who did the actual physical work
[24] in the apartment and installing stuff.
[25] **MR. MANDEL:** I would like to know

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[1] **V. Voronchenko**
[2] **A:** I know — I know he's like a Garth.
[3] **MR. ISRAEL:** It's Garth Hayden.
[4] **Q:** He's like a God, did you say?
[5] **MR. ISRAEL:** Garth.
[6] **A:** Garth.
[7] **Q:** Garth.
[8] And he is in New York, correct?
[9] **A:** Yes.
[10] **Q:** And Triarch performed services on
[11] the —
[12] **A:** He was before Triarch.
[13] **Q:** So first came Garth. And then who
[14] came next?
[15] **MR. ISRAEL:** In terms of what?
[16] **Q:** In terms of people who provided
[17] services in connection to the renovation?
[18] **A:** First came even not Garth. First
[19] came company who turn — who makes repairing the
[20] same apartment in, as I remember, 31st — 30 —
[21] 31st or 32nd floor in the same building. They
[22] came to me and — or somebody, I don't remember
[23] how it worked, and showed me the apartment
[24] upstairs, you know. And the apartment was very
[25] nice. They gave me the drawings with all things

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[1] **V. Voronchenko**
[2] everyone he knows who did work on it of any
[3] kind.
[4] **A:** I don't know. When I understood we
[5] can't continue with the — with Triarch, if you
[6] ask me I'll explain you later why.
[7] **MR. ISRAEL:** He's asking you now all
[8] the people that you know of who worked on,
[9] who had any involvement in the renovation
[10] of the apartment other than you mentioned
[11] Libracon, anyone other than Libracon.
[12] **A:** Before — before Triarch it was
[13] architect Garth.
[14] **MR. McKEE:** Garth.
[15] **Q:** That is Garth Hayden?
[16] **A:** I don't know his name.
[17] **THE WITNESS:** Garth Hayden, yes?
[18] **MR. McKEE:** It's what you remember.
[19] **A:** I don't remember because I
[20] didn't —
[21] **Q:** You remember his first name was
[22] Garth?
[23] **MR. ISRAEL:** Yes, it's Garth.
[24] **Q:** And you remember — he's in New
[25] York?

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[1] **V. Voronchenko**
[2] what we have in my apartment, you know,
[3] and — but their — their price and their times
[4] work was not so great for me, you know, but I
[5] keep their proposition of apartment in — in
[6] upper floor. My apartment more or less the same
[7] like upper floor when I came to Triarch, I gave
[8] them this — this drawing, you know. This
[9] drawing, it's like Garth — Garth drawing.
[10] And after Triarch, I find a very
[11] nice designer and decorator, Pepe Calderin,
[12] P-E-P-E, Calderin, C-A-L-D-E-R-O-N.
[13] **MR. McKEE:** E-R-O-N?
[14] **A:** Yes. He's very famous apartment in
[15] South America. He has his clothes brand and he's
[16] really what — what I need. And all of his job,
[17] most of his job did.
[18] **MR. McKEE:** I-N, by the way,
[19] Calderin, I-N.
[20] **MR. ISRAEL:** Sorry about that.
[21] **A:** I met her, I met him, I spoke with
[22] him several times, and I wasn't happy with him.
[23] **Q:** Where did you meet with him?
[24] **A:** When I — when I stopped to work
[25] with Triarch? Can you — could you refresh my

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V. Voronchenko

[1] memory?
[2] [3] **MR. ISRAEL:** He wants to know where
[4] you met with him, where did the meeting —
[5] **A:** Where —
[6] **MR. ISRAEL:** Where? Where?
[7] **Q:** What city? I mean was it in New
[8] York or Miami or Moscow, if you remember?
[9] **A:** Somebody of my friends, when they
[10] visit Miami, recommended me him. I think our
[11] first meeting was in Miami, as I remember. I am
[12] not sure. Or maybe I spoke with him by phone and
[13] he — he comes to me, he came to New York. I
[14] don't remember about this.
[15] **Q:** And how many times did you meet with
[16] Mr. Calderin?
[17] **A:** A lot. Not too many, but five,
[18] seven, maybe ten. I don't — but I — you know,
[19] okay, it's not — it's just talking, we don't
[20] need to talk about nothing.
[21] **Q:** So far you have identified Garth,
[22] Triarch, Pepe Calderin and Libracon?
[23] **A:** Libracon, and Italian company.
[24] **Q:** And the Italian company, as people
[25] who performed services in connection with the

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V. Voronchenko

[1] [2] **A:** It's a group of people, group of
[3] people, it's not only one. I think like four or
[4] five people. It's all of them professional
[5] builders and decorators, something like that,
[6] they build a lot of — a lot of buildings
[7] and — in Moscow.
[8] **Q:** Had you worked with Libracon prior
[9] to the renovation of this apartment?
[10] **A:** Did I work —
[11] **Q:** Was this the first time you worked
[12] with Libracon?
[13] **A:** No, no.
[14] **Q:** Or have you worked with Libracon
[15] before?
[16] **A:** No, I worked with them in Moscow.
[17] **Q:** And why not just hire Libracon to do
[18] the whole job, why not hire Libracon and these
[19] other people?
[20] **A:** Listen, Libracon, they're not
[21] working in the U.S., and they can't help to
[22] organize everything, like they can't work really
[23] every day, and they try to — they just try to
[24] help me. And they were very, very nice with me.
[25] They tried to check about all the details, about

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V. Voronchenko

[1] renovation of the apartment.
[2] [3] Is there anyone else who performed
[4] services in connection with the renovation of the
[5] apartment that you're aware of?
[6] **A:** I don't remember. For me everything
[7] organized Libracon, everything organized
[8] Libracon.
[9] **MR. MANDEL:** Sorry, could you read
[10] that back.
[11] (The record is read.)
[12] **Q:** So Libracon organized all the
[13] renovation of the apartment?
[14] **A:** Yes.
[15] **Q:** Do you know when Libracon was hired?
[16] **A:** When Libracon —
[17] **Q:** Was first retained or hired to work
[18] on the apartment?
[19] **A:** It was from the beginning, because
[20] they're our friends, they're working for us in
[21] Russia a lot. And —
[22] **Q:** Does Mr. Vekselberg own Libracon?
[23] **A:** No, this is independent company.
[24] **Q:** Do you know who Libracon's owners
[25] are?

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V. Voronchenko

[1] [2] this, this, and about all connections and I
[3] am — I was very not so close to details, you
[4] know.
[5] For me it was important, you know,
[6] to find — to find the concept of design and
[7] concept of how it's — how it can looks, you
[8] know, this is — that's it.
[9] **Q:** Did Libracon have the skill
[10] necessary to come up with the design concept?
[11] **MR. MCKEE:** Objection, form.
[12] **MR. ISRAEL:** Objection. Calls for
[13] speculation also.
[14] **A:** I don't understand question anyway.
[15] Again, please.
[16] **Q:** Sure. You said the design concept
[17] was very important to you?
[18] **A:** Yes.
[19] **Q:** Did Libracon have all of the
[20] knowledge and expertise that are necessary to
[21] come up with a design?
[22] **MR. MCKEE:** Objection.
[23] **A:** Again, what Libracon — sorry, could
[24] you — sorry, again, I don't understand.
[25] **Q:** Sure, sure.

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[1] **V. Voronchenko**
[2] **MR. ISRAEL:** Can I give it a shot?
[3] **MR. MANDEL:** Sure.
[4] **A:** Yes.
[5] **MR. ISRAEL:** Did Libracon, did it
[6] know enough, Libracon, did it have enough
[7] skills to make a design?
[8] **A:** Yes. Of course. They're very
[9] professional people. They did a lot of designs
[10] and decorations. They build nice offices,
[11] buildings, stores in Moscow. Of course they can.
[12] Very — very clever people. Very professional
[13] people. I never used them if they are not
[14] high — high, top professional people. Of
[15] course, yes.
[16] **Q:** But you ultimately decided to hire
[17] other people to create the design, correct?
[18] **MR. ISRAEL:** Objection.
[19] You can answer. I made an objection,
[20] but you can answer his question.
[21] **A:** Yes, for me, could you repeat the
[22] question? I need to understand everything.
[23] **Q:** It is very important that you
[24] understand, so don't hesitate to stop me.
[25] I'm just trying to understand,

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[1] **V. Voronchenko**
[2] Libracon had the knowledge to design a very nice
[3] apartment, but you decided to hire other people
[4] to come up with the design?
[5] **A:** Listen, Libracon, they work in
[6] Moscow. I wanted to have like a people who
[7] lives — who lives in United States and who can
[8] take care about every day. Libracon
[9] can't — can't — they are there and the
[10] apartment is here, and of course I try to find
[11] somebody who has seven, eight hour per day, take
[12] care and check and the process all the process,
[13] because this is a process, not only to make
[14] the — some — some pictures. Their obligation
[15] for me was to — Triarch, it was make the nice
[16] picture, how it's like in general, you know,
[17] after this, all blueprints, all drawings, to make
[18] all the drawings, to buy all small things, to buy
[19] all furniture, to buy all carpets and lights and
[20] it's very long story.
[21] To decorate is much more difficult
[22] than to build, you know. It was most important
[23] thing in the apartment, it was decoration of the
[24] apartment, not just to — to show something, you
[25] know. If you — if you will, for example, go to

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[1] **V. Voronchenko**
[2] check French — French magazines, decorate
[3] something in France, in French taste it's always
[4] just white walls, and that's it. The main
[5] reason, main game of the taste, this is
[6] furniture, colors of the draperies, colors of the
[7] pillows, colors of the rugs, colors of the
[8] painting.
[9] They — they do this job in another
[10] way, you know, it was most important thing is the
[11] decoration, not just build something. And — and
[12] of course I find somebody who will visit thousand
[13] or hundred stores to find one chair from this
[14] store, one chair from another store, another rug
[15] from third store, it's huge, huge job, you know.
[16] It's impossible to do the job with a company who
[17] located in another side of the ocean.
[18] **Q:** Did you —
[19] **MR. MANDEL:** Withdrawn.
[20] **Q:** Who, at the end of the day, who did
[21] that job of going out and finding all the
[22] furniture and decorating the apartment?
[23] **A:** Pepe Calderin.
[24] **Q:** Did Triarch continue in any way to
[25] do the decoration of the apartment?

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[1] **V. Voronchenko**
[2] **A:** They didn't touch or start to do
[3] this.
[4] I know you have a lot of questions
[5] about this situation, if you prefer, I can tell
[6] you the story.
[7] **Q:** Please do. Please tell me the
[8] story.
[9] **A:** You know, because question answer,
[10] question answer, question answer.
[11] **THE WITNESS:** Can I do like this?
[12] **MR. ISRAEL:** You can go ahead and
[13] tell him the story.
[14] **A:** You know my English is not so
[15] perfect and I will lose your time for try to
[16] explain — explain me every question, you know.
[17] The story was like this: I have
[18] very close friend, Mr. Michael Kaufman, you know,
[19] I know him 25 years. He lives in New York. And
[20] the owner of Triarch, he's his son-in-law. I
[21] don't know — remember his name, Steve or Steven,
[22] yes?
[23] **MR. ISRAEL:** Yes.
[24] I'm not supposed to tell you what
[25] the answers to the questions are.

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[1] **V. Voronchenko**
[2] A: Sorry, sorry.
[3] Q: So Stephen Corelli sound familiar?
[4] A: I don't remember his name, but —
[5] family name, I remember his first name.
[6] Steve, yes?
[7] Q: Yes.
[8] A: Steve.
[9] MR. ISRAEL: That is who he's
[10] referring to.
[11] A: What?
[12] MR. ISRAEL: You're referring to
[13] Steve Corelli, I think. It doesn't matter,
[14] that is who he's referring to.
[15] A: Doesn't matter, I met him last time
[16] three years ago.
[17] And my friend, the father of my —
[18] ex-wife of Steve, he knows he — he had
[19] information about I'm looking to find something.
[20] And he asked me, Vladimir, please, this is my
[21] daughter, and he has nice husband, and definitely
[22] he will work for you 24 hours per day. Take him
[23] and you'll never — you'll never complain, I
[24] guarantee you, he's nice, he is good. Believe
[25] me. He is great, you know. And I grant Jesus

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[1] **V. Voronchenko**
[2] is contemporary design, more or less.
[3] And I explained him what I need.
[4] And I spent a lot of time to — I gave him the
[5] idea of upper floor in my building, with all
[6] drawings. I gave him a lot of books. I gave him
[7] a lot of, you know, magazines what — with the
[8] exactly what I — what I need, because I know
[9] some several very good French designers
[10] who — who does — who does work in my style. I
[11] showed him, listen, I need exactly you see the
[12] picture, I need exactly what I need, exactly like
[13] this. Panel like this, wood like this, you see
[14] the — the wall like this, I need like this.
[15] Please do me like this. It's normal. It's
[16] always — not always, but it's work like this
[17] very often. It's not problem with this.
[18] After this one week, two week, three
[19] weeks, four weeks, one month, two months, three
[20] months, you know, and it's very, very slowly.
[21] Very, very slowly, and very difficult, you know.
[22] In four months, he showed me design
[23] just not design just — just like a picture, you
[24] know, like a — like a family room, dining room
[25] and — and office, you know. Four month

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[1] **V. Voronchenko**
[2] and a hundred percent guaranty, he will do what
[3] he can more — more than to anybody in another
[4] customers. He's really my friend. And — and he
[5] asked me please do this, and you will help me.
[6] And anyway, I need to take somebody,
[7] and we — we go with my friends and with Steve to
[8] his apartment to take some drink, you know, to
[9] have some dinner together, you know. And I told
[10] him okay. He showed me his apartment. It was
[11] contemporary, not my taste, not my style, but it
[12] is okay, it looks very good.
[13] And Steve, he's law — son-in-law of
[14] my friend and, you know, I thought — I thought
[15] that he is really work ten times more than to any
[16] other person, you know.
[17] And we started to work. We started
[18] to work with him. I spent a lot of time to
[19] explain what I need. For him it was not so easy
[20] because he concentrated in Manhattan with the
[21] contemporary designer and decoration, you know.
[22] Because Manhattan is a special city. It's city
[23] for more — more cold design, more contemporary
[24] design. You know about this. And if you check
[25] the Steve website, you will see all his designs

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[1] **V. Voronchenko**
[2] just — just for this.
[3] I ask to — send him the letters,
[4] please do more fast, do more fast, do more fast.
[5] But for them it was not very — I am not angry
[6] for them, because it was very difficult for them
[7] because they never did this design. They showed
[8] me wrong — wrong furniture was the proposal.
[9] They showed me wrong lights, what — what they
[10] proposed, you know, and I started to understand
[11] it was a mistake.
[12] And because with speed like this,
[13] you know, we finish in 10 years. Because after
[14] four months, we had — we had nothing,
[15] just — just, you know, this drawings what you
[16] saw for — for three rooms. There was no
[17] kitchen, no bedrooms, no bathrooms. It was
[18] very — and no furniture, no nothing, you know.
[19] I asked him, please, go ahead, go
[20] ahead, go ahead. But — and I understood I made
[21] mistake in one month after when we started, you
[22] know. But I was very inconvenient situation with
[23] my friend because I don't want to destroy his
[24] mood? You understand, when you have old friend,
[25] when your designer is your father-in-law,

[1] **V. Voronchenko**
[2] it's —
[3] **THE WITNESS:** Father-in-law?
[4] **MR. ISRAEL:** Son-in-law.
[5] **A:** Father-in-law, yes.
[6] **MR. ISRAEL:** Son-in-law.
[7] **A:** He's my — sorry, my friend is
[8] father-in-law, he was son-in-law.
[9] **THE WITNESS:** Why you didn't correct
[10] me?
[11] **MR. ISRAEL:** Because everyone knew
[12] what you meant, everyone understood what
[13] you meant.
[14] **THE WITNESS:** But anyway, it's — I
[15] feel uncomfortable.
[16] **MR. ISRAEL:** You're doing fine.
[17] **THE WITNESS:** Okay.
[18] **MR. ISRAEL:** Continue your answer.
[19] **Q:** I think you're being very clear.
[20] **A:** You're always very nice with me,
[21] thank you. If I make very not nice mistakes,
[22] please, please correct me.
[23] **MR. ISRAEL:** We're going to have a
[24] chance also to read the transcript
[25] afterwards to make any corrections, okay.

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[1] **V. Voronchenko**
[2] situation, you know, it was — it was not so
[3] comfortable, you know, this situation. Because
[4] he's my — he's my friend, my designer
[5] ex-son-in-law and very difficult relations with
[6] daughter of my friend, you know. But this is
[7] like moral question. But it was the same problem
[8] for me.
[9] When I stopped to work with them I
[10] thought I lost 55,000 and he — he has money much
[11] more than he did for this project, you know. And
[12] I was absolutely disappointed when he sent this
[13] letter to ask me to pay him the full amount
[14] because full amount I have to pay him when the
[15] apartment in this condition, what you say? What
[16] you saw couple of days ago, you know, it's a lot
[17] — a lot — a very hard everyday work, years more
[18] than — more than one year's every — everyday
[19] job, because every piece from the apartment from
[20] different countries, from different — most of
[21] them European furniture. 99 percent of furniture
[22] — all details in apartment, what you saw, this
[23] is from Europe, because American don't produce
[24] this style, and you know about this art deco
[25] style, it's more to European taste than to —

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[1] **V. Voronchenko**
[2] **A:** Okay son-in-law. And I was in very
[3] difficult position. I paid 55 — no, \$50,000 for
[4] him, you know, I don't remember how much exactly,
[5] and I understood in one month this money for
[6] nothing. But I was in very difficult condition,
[7] no? And I have three — three — three reasons
[8] why I stopped to work with him.
[9] **One reason:** I made mistakes, they
[10] are not designers for the art deco style, this is
[11] the first reason.
[12] The second reason — they are not
[13] ready for this style. Second reason extremely
[14] slow, extremely slow. I can't — I can't — we
[15] send them some official letters about please,
[16] please, please, you promise in 1st of October,
[17] but now it's November, you promised 15th of
[18] November, now it's December, something
[19] la-la-la-la-la-la. So this is the two main
[20] reasons.
[21] And last reason is this guy started
[22] divorce with daughter of my friend. And this
[23] divorce was not — I don't want to be involved in
[24] this private life. But a happy divorce — it was
[25] not so nice. And for me, even for moral

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[1] **V. Voronchenko**
[2] more close to European taste than to American
[3] taste.
[4] And — and I was — I don't have big
[5] experience in process like this in United States,
[6] you know, I — I didn't even understand how it's
[7] possible to ask the full money when you make the
[8] job for 10 percent, you know, or 8 percent or 12
[9] percent. Because, okay, he prepared for me
[10] the — the pictures of the — pictures of the
[11] walls, what you saw, as told me, my wife or
[12] somebody, Steve was in the apartment oh, this is
[13] stolen design, stolen design, stolen design.
[14] Okay, the — I spented for him a lot of time to
[15] explain me why the picture of everything that I
[16] need.
[17] Finally when I — when I find
[18] something like more or less good details, you
[19] know, and he prepared for me just like a — like
[20] a picture, you know, like this, like that. After
[21] this, if you want to do this, you need to produce
[22] hundred kilos of blueprints because the factory
[23] he — they doesn't — they don't care about the
[24] design. They need the blueprints, you know, how
[25] thick, how long, how this, how that. It's huge,

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[1] **V. Voronchenko**
[2] big, big, big, job for whole apartment, you know,
[3] how is the door, how is the stone, how
[4] is — everything details, you know, they
[5] didn't — they didn't do this, you know, and this
[6] is a very short story how it happened.
[7] You know, if this is not the
[8] son-in-law of my friend, you know, believe me, I
[9] ask him to give me money back, you know, this
[10] money back, what I paid him, \$55,000. I didn't
[11] do this only because, you know, I don't want to
[12] be involved with this family situation. I did
[13] not — I didn't want even to touch this, this
[14] is — you know, believe me, you cannot believe
[15] me, but it is story like this. It is not
[16] question for me. It is a very unpleasant
[17] situation, you know. You understand everything.
[18] Q: Thank you. There was one part which
[19] I may not have understood. The part where you
[20] were saying in order to actually build the
[21] panelling and the various decorations in the
[22] apartment, you need specific blueprints. Are
[23] you —
[24] A: Yes.
[25] Q: Are you saying that Triarch didn't

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[1] **V. Voronchenko**
[2] **MR. MCKEE:** Objection to form.
[3] **MR. ISRAEL:** Misstates testimony.
[4] A: I didn't see.
[5] Q: What?
[6] A: You mean personally?
[7] Q: Have you seen them yourself, with
[8] your own eyes?
[9] A: It's not my job. I didn't want to
[10] even see this because it's for what I don't
[11] understand anything in this technical — in this
[12] technical situation.
[13] Q: Sure.
[14] A: Listen, how — how — how they give
[15] some blueprints, we changed a lot after when they
[16] stop, we change architectural situation, you
[17] know, a lot. It's completely changed.
[18] It's — it's absolutely new. We started
[19] with — with the new job, because we canceled —
[20] for year, we cancel the — the wall between
[21] living room and dining room. We canceled
[22] door — door in two dining room. If you showed
[23] me your first blueprints, your first drawing I
[24] saw yesterday or before yesterday, the
[25] architectural plan in website of Triarch —

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[1] **V. Voronchenko**
[2] provide you with the blueprints that you would
[3] need to prepare those kinds of decorations?
[4] **MR. ISRAEL:** Not decorations, I
[5] don't think he used the word "decorations."
[6] Look, I'm sorry, I don't mean to —
[7] A: Yeah, could you repeat?
[8] Q: Sure.
[9] **MR. MANDEL:** It seems he doesn't
[10] understand the questions you don't like
[11] anyway.
[12] Q: You said blueprints are necessary to
[13] renovate the apartment, right?
[14] A: Yes, it's a lot of necessary to buy
[15] everything, you know, to find everything, and
[16] to — to fix everything. It's a lot — a lot of
[17] job.
[18] Q: Right. Did Triarch give you the
[19] blueprints that the Italian factory needed?
[20] A: No, no, of course not.
[21] Q: Are you sure about that?
[22] A: As I know, no. As I know, no.
[23] Q: And have you personally ever looked
[24] at blueprints that Triarch did provide you?
[25] **MR. ISRAEL:** Objection.

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[1] **V. Voronchenko**
[2] **MR. ISRAEL:** Go ahead.
[3] A: — and this is architectural plan,
[4] it's a lot of the — of changing of what we have
[5] now, a lot of changing. It's big changing. Big,
[6] big changes, you know. And for this new
[7] architecture plan anyway we need everything —
[8] everything new one. Because another sizes,
[9] another everything, you know, because when you
[10] cut it, when you — when you take out huge wall,
[11] when you cut out — take out the three parts of
[12] another walls, you know, it's — it's not
[13] working.
[14] Q: Were any of Triarch's drawings given
[15] to anyone else who worked on the apartment?
[16] A: I don't know. I'm talking with them
[17] about design. I'm talking — I spoke with them
[18] about design and decorations, this is what I
[19] am — I — I interested, not about other things.
[20] I had problem with them, not about blueprints. I
[21] had problem with them about design and time.
[22] This is a problem.
[23] Q: When you first — when you first
[24] began this project, did you have an understanding
[25] as to how long the project would take?

[1] **V. Voronchenko**
[2] A: No. I wanted — supposed to do this
[3] as soon as possible, like everybody, you know.
[4] Q: You wanted it done right away?
[5] A: As soon as possible. But —
[6] Q: But — sorry, I didn't mean to
[7] interrupt.
[8] A: No, no. I finished.
[9] Q: Did you have an understanding as to
[10] what a realistic amount of time for the
[11] renovation and decoration to take?
[12] A: Listen, when I can't move with the
[13] first step, as we started with the Triarch what I
[14] am — what I am looking for the future, you know.
[15] If we spend five months just to see the picture
[16] of the three rooms, what is my future with them?
[17] Q: Sure, sure. I'm just trying to
[18] understand when you started the project if you
[19] had any understanding as to what a realistic
[20] amount of time for the project to take would be.
[21] A: When I started the project?
[22] Q: Yes.
[23] A: Not really. Not really. As any
[24] person, I wanted to do this as soon as possible.
[25] But I never think about when.

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[1] **V. Voronchenko**
[2] right away?
[3] A: Of course I wanted to start it.
[4] Q: Did you and Garth discuss how long
[5] the project would take?
[6] A: No.
[7] Q: Did you tell Garth that it was very
[8] important that it be done as soon as possible?
[9] A: Listen, when you talk to any
[10] builder, everybody understand everybody needs
[11] this immediately, even before yesterday, it's
[12] like part of the game, you know. Of course we
[13] did, we didn't discuss about this because it's
[14] understandable, nobody wants to do
[15] this — continue this for 10 years.
[16] Q: When you started working with
[17] Triarch did you have a discussion with Triarch
[18] about how long the project would take?
[19] A: I think probably yes. I don't
[20] remember exactly, you know, what is payout, but
[21] this — this, you know, as soon as possible, you
[22] know. The conversation always like this, as soon
[23] as possible.
[24] Q: Did Triarch agree that the project
[25] would be done by a certain date?

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[1] **V. Voronchenko**
[2] Q: Now, early on you spoke to the
[3] people who did the apartment upstairs, right?
[4] A: Yes.
[5] Q: And you didn't like what they told
[6] you about how long it would take, right?
[7] MR. ISRAEL: Objection.
[8] A: It's no — because they told me we
[9] need to finish first of all apartment upstairs,
[10] you have to wait something, you know, after this,
[11] we will start to do with your apartment.
[12] Q: I see.
[13] A: This is, you know — they promised
[14] me to finish this apartment in a couple of months
[15] but, you know, like — you know, this story with
[16] builders, it's usually, usual, any country in the
[17] world, they promise to finish you tomorrow, you
[18] see the finish in one year later. You know, this
[19] is — this is — they were like — they were very
[20] professional. They had experience in this
[21] building, and they had layout, nice layout and it
[22] was very good for me. But when they told me
[23] let — let us finish that apartment, after this
[24] we will start with you, with your apartment.
[25] Q: You wanted someone who could start

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[1] **V. Voronchenko**
[2] A: When you start — when you start to
[3] work with builders or designers, they promise you
[4] what you want, what you want to hear, you know,
[5] always like this.
[6] But when you ask him, please, could
[7] you sign the exact date and after that date you
[8] will pay the penalty, they never will sign this
[9] contract, never, never, never, never, you know.
[10] But when you start to work with him,
[11] if you me — if you tell them I want you to
[12] finish tomorrow, they will say, okay, we will
[13] finish tomorrow, but they — as usual, they don't
[14] have any obligations.
[15] MR. MCKEE: Evan, when you reach a
[16] point when we can take a short break.
[17] THE WITNESS: What?
[18] MR. ISRAEL: He's not talking to
[19] you, he's talking to him.
[20] MR. MANDEL: Sure.
[21] Q: I understand —
[22] MR. MANDEL: Withdrawn.
[23] Q: Sitting here today, do you have any
[24] recollection of having any actual conversation
[25] with Triarch about how long the project would

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<p style="text-align: right;">Page 61</p> <p>V. Voronchenko</p> <p>[1] [2] take?</p> <p>[3] A: Did I — did I talk to them how long</p> <p>[4] this will continue on the project?</p> <p>[5] Q: Yes.</p> <p>[6] A: Very unusual question. I think</p> <p>[7] I — I think yes, of course.</p> <p>[8] Q: Okay.</p> <p>[9] A: I think yes, we spoke about this.</p> <p>[10] Q: Did you say to Triarch I want this</p> <p>[11] done by a very specific date?</p> <p>[12] A: Of course, yes.</p> <p>[13] Q: Okay. And what was that date?</p> <p>[14] A: I don't remember.</p> <p>[15] Q: Okay.</p> <p>[16] A: I don't remember. But of course</p> <p>[17] yes, we always — you try to push the builder</p> <p>[18] to — you know, with the strong you have to</p> <p>[19] finish as soon as possible, if not</p> <p>[20] la-la-la-la-la-la. It is always they tell</p> <p>[21] you, don't worry, we will do everything in right</p> <p>[22] time.</p> <p>[23] Q: What did Triarch say when you</p> <p>[24] proposed a specific date?</p> <p>[25] A: We will do everything. Don't worry.</p>	<p style="text-align: right;">Page 63</p> <p>V. Voronchenko</p> <p>[1] [2] (Time noted: 10:48 a.m.)</p> <p>[3] (A brief recess is taken.)</p> <p>[4] (Time noted: 10:57 a.m.)</p> <p>[5] Q: I know before the break I asked you</p> <p>[6] a number of times about conversations that you</p> <p>[7] had with Triarch about how long the project would</p> <p>[8] take.</p> <p>[9] Other than what you testified to</p> <p>[10] before, do you have any recollection of any</p> <p>[11] conversations that you had with Triarch about how</p> <p>[12] long the project would take?</p> <p>[13] A: I told you I think we spoke about</p> <p>[14] one year, all together.</p> <p>[15] Q: Do you remember if the project, the</p> <p>[16] whole project, was going to take one year, how</p> <p>[17] long would it take to get all the drawings</p> <p>[18] together?</p> <p>[19] MR. ISRAEL: Objection.</p> <p>[20] You can answer, if you understand.</p> <p>[21] A: Listen, if one year, if one year all</p> <p>[22] the project, everything has to be ready in one</p> <p>[23] month. But after five months, we didn't have</p> <p>[24] even the pictures of all the rooms, just — just</p> <p>[25] a couple, couple, just several rooms.</p>
<p style="text-align: right;">Page 62</p> <p>V. Voronchenko</p> <p>[1] [2] Q: Did they promise?</p> <p>[3] A: Sleep, sleep well, don't worry,</p> <p>[4] sleep well.</p> <p>[5] Q: Did Triarch promise to complete the</p> <p>[6] job by a certain date?</p> <p>[7] A: Listen, I had — I think we</p> <p>[8] had — no, we tried to ask me about situation</p> <p>[9] like four years ago, it was, I think, really four</p> <p>[10] years ago when I worked with Triarch and always</p> <p>[11] you are looking to finish everything in one year,</p> <p>[12] you know. Always it's like this, as I remember.</p> <p>[13] You know, I am not sure about my answer, but</p> <p>[14] always people look to finish one year.</p> <p>[15] But when I understood in five or six</p> <p>[16] months I only — have only pictures, you know,</p> <p>[17] for three rooms, I understood this period is</p> <p>[18] not — it's like — it's like a joke. I worked</p> <p>[19] with him like five months, you know. In five</p> <p>[20] months we didn't have — we didn't have</p> <p>[21] furniture, we didn't have — we didn't have</p> <p>[22] nothing, you know, just pictures, that's it,</p> <p>[23] pictures for three rooms.</p> <p>[24] MR. MANDEL: If now is an all-right</p> <p>[25] time, why don't we take a break.</p>	<p style="text-align: right;">Page 64</p> <p>V. Voronchenko</p> <p>[1] [2] Q: Do you think it's possible to</p> <p>[3] prepare drawings for all of the rooms more</p> <p>[4] quickly than four months?</p> <p>[5] A: Listen, I am talking — I am talking</p> <p>[6] not about the blueprints, I am talking about the</p> <p>[7] final design of all apartment. Blueprints, this</p> <p>[8] is a second story, this is a future, you know.</p> <p>[9] For the beginning we need to have all design for</p> <p>[10] all apartments. After this when — when the</p> <p>[11] whole design is accepted, you know, all materials</p> <p>[12] for all — all apartment is — is fine, not for</p> <p>[13] one or two or three room, for all apartment,</p> <p>[14] after this we can talk about the blueprints,</p> <p>[15] because before the whole design is not accepted,</p> <p>[16] and nobody — nobody do blueprint, for what</p> <p>[17] reason. Because, you know, you — you can change</p> <p>[18] the idea, you can change the design, you know,</p> <p>[19] you can — you can — very often like this you</p> <p>[20] start — you have ten rooms, you know, you did</p> <p>[21] the design of four rooms, when you started to do</p> <p>[22] something with the — another rooms, you know you</p> <p>[23] find something — some new idea, very good idea</p> <p>[24] and you — you did this another five rooms, you</p> <p>[25] change first five, first four or five rooms, you</p>

[1] **V. Voronchenko**
[2] know. It is working like this, because it has to
[3] be like whole design, it's working in any
[4] countries and any companies the only one way,
[5] whole design, the like — album, not album.
[6] **Q:** Like a book?
[7] **A:** I can — like a book, it has to be
[8] like a book with full design of the apartment, it
[9] has to be final signature on full design of
[10] apartment, and another book with the — all
[11] materials for whole apartment, you know.
[12] It's — it has to be another book. As far as the
[13] kitchen, the kitchen, you have to put in this
[14] book piece of plumber and marble, piece of wood,
[15] piece of drapery, piece of floor, piece of
[16] la-la-la-la-la, you know, and it has to be
[17] something like this. You sign everything, you
[18] sign — you have to sign first book, you have to
[19] sign second book, after this you have to go over
[20] the blueprints. This is it. This is like a
[21] bible, you know. It's not working like this
[22] because people very often change during this
[23] process, the design here, here, and here. And it
[24] was — it was not done. I never saw the time
[25] design of whole — all apartment. If you check

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[1] **V. Voronchenko**
[2] **A:** Listen, we — we stuck with them
[3] with these three rooms, you know, we never
[4] continue, we never go to — to ahead, because we
[5] just spoke from the beginning, you know. We know
[6] it's all the process you are talking about, this
[7] room, this room, that room, that room and the
[8] room by room, you know, we — we — we was
[9] divorcing after three rooms.
[10] **Q:** Was the plan to start designing some
[11] rooms and then continue designing other rooms,
[12] was that the plan?
[13] **A:** No. Listen, it's not — it's not a
[14] plan I order — or as my lawyer tells me
[15] Medallion ordered, it has to be final full plan.
[16] I am not interested, you know, to see like a
[17] small detail this wall or that wall. Of course
[18] I'm interested, but I see it — when I
[19] can — when I can tell you I am happy, when I see
[20] all — all the project, because all the project
[21] has to be in one way, in one feeling, in one
[22] design. Only after this, you understand, you are
[23] happy or you are not happy. This is a successful
[24] project or not successful project. You can say
[25] anything is design of two or three rooms. You

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[1] **V. Voronchenko**
[2] all your papers of what they gave you from the
[3] beginning, you will see that definitely they
[4] don't have any design of bedrooms, and bathrooms,
[5] and the kitchen, and we have another design of
[6] even foyer, living room and dining room because
[7] we completely changed the layout in this part of
[8] the apartment.
[9] **Q:** When you —
[10] **MR. MANDEL:** Withdrawn.
[11] **Q:** When Triarch was working for you,
[12] was the kitchen going to be renovated?
[13] **A:** Everything.
[14] **MR. ISRAEL:** You mean when Triarch
[15] was working for Medallion, you mean?
[16] **MR. MANDEL:** Yes, yes.
[17] **Q:** When Triarch was working on the
[18] project was —
[19] **A:** Everything — everything has to be
[20] changed, no — when you started project like
[21] this, as you saw, how it's possible to — I have
[22] allergy for air conditioning. Everything has to
[23] be changed.
[24] **Q:** Did you and Triarch ever talk about
[25] the kitchen?

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[1] **V. Voronchenko**
[2] have to take the feeling of the final design,
[3] final, final — it's like no — you tell me you
[4] want to make the suit, you know, your question is
[5] you're a professional guy, you did this part and
[6] that part, you know, and you can ask me how it
[7] looks, it was beautiful suit or not, I don't
[8] know. Because he just contracted me this part of
[9] the suit and that is it. And the same — the
[10] same situation with design and decoration. You
[11] know, even when you buy the furniture, you can't
[12] make any decision with one, two or three items.
[13] You can find all items to put it all together,
[14] you know, and make that only after this, you can
[15] make final decision, is it right choice for
[16] furniture or you need to change everything, you
[17] need to change some part of situation.
[18] **Q:** Did you ever tell Triarch not to
[19] renovate the kitchen?
[20] **A:** Listen, it was — it was — I don't
[21] even understand, they have to make everything,
[22] all the apartment, not the — not this room, yes,
[23] a toilet not or separate.
[24] You saw the apartment. The
[25] apartment is maybe not the best, you know, but

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V. Voronchenko

[1] it's more or less okay. Do you agree with me?
[2] Everything is changed, even the elevator door.
[3] Q: Right.
[4] A: But even elevator door changed, how
[5] can I tell them no, no, no, kitchen is
[6] not — old, dirty kitchen, don't touch this.
[7] Q: It's possible to redo some rooms but
[8] not others?
[9] A: No, not possible. Not possible
[10] because you — when you just paint the walls,
[11] there is one story, but when you invest some
[12] money, you know, you have to change — you have
[13] to repair whole apartment. It's impossible to do
[14] one room and not touch another room. You
[15] understand what happened? How — how it will
[16] look?
[17] Q: So what did you tell Triarch that
[18] you wanted to do to the kitchen?
[19] A: We never spoke about the kitchen.
[20] We spoke about whole apartment, whole apartment.
[21] They had obligation to do whole apartment. I
[22] don't remember our contract because I saw this
[23] contract four years ago last time. But as I
[24] understand, the contract is impossible to

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V. Voronchenko

[1] Q: And you had some specific
[2] discussions with Triarch about the library,
[3] correct?
[4] MR. ISRAEL: Objection.
[5] You can answer.
[6] A: We — we — we — again, again, I
[7] don't even — I understand what you're asking,
[8] what is a specific discussion? I had specific
[9] discussion about the style of the apartment, not
[10] about specific discussion about this wall or that
[11] wall. I want to see the whole apartment, how its
[12] play in the general, you know, how its play my
[13] kids' bedroom with living room, you know. It has
[14] to be one idea. It has to be like one — one
[15] body, you know, one body. It's not can be like a
[16] two or three bodies —
[17] Q: Sure.
[18] A: — in one apartment.
[19] Q: Sure. You made very clear you want
[20] the whole apartment —
[21] A: Whole apartment.
[22] Q: — to be contemporary art deco. I
[23] totally understand that.
[24] A: Yes.

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V. Voronchenko

[1] be — you have to do three rooms and not touch
[2] another five rooms. It's impossible, as I feel
[3] it. Maybe it's my mistake. But if you take
[4] the — let's — let's check the contract, maybe
[5] if it's convenient for you right now.
[6] Q: And did you and Triarch have any
[7] conversations about the girl's bedroom?
[8] A: Again, we spoke about whole
[9] apartment.
[10] Q: Right.
[11] A: Whole, all apartment has to be in
[12] contemporary art deco style. Whole apartment. I
[13] am not mentally sick person, you know. You tell
[14] me it's — half apartment is contemporary art
[15] deco, another part is no repairing, yes. Did you
[16] see like this in your life? Me, no. Me, never.
[17] I saw no repairing, I saw bad repairing, but it's
[18] always similar, or similar good or similar not so
[19] good or similar bad. But not partitions, you
[20] know.
[21] Q: You told Triarch that you wanted the
[22] whole apartment to be contemporary art deco,
[23] correct?
[24] A: Absolutely.

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V. Voronchenko

[1] Q: And in addition to having that
[2] conversation about what you wanted from the whole
[3] apartment, you also could have had conversations
[4] about specific rooms. And that is what I'm
[5] asking about now.
[6] A: Specific rooms? I want to tell you,
[7] I showed him I want to make this doors, I gave
[8] him the architecture plan, I — it is our
[9] architecture plan, not their architecture plan.
[10] Q: Which plan are you referring to?
[11] A: This plan that they put it on his
[12] website, this is not his plan, this is our plan,
[13] with Garth with — with guys who made upstairs,
[14] and — we gave to Triarch this plan and, you
[15] know, I put it — I want to have it here,
[16] here — this is — I want to make the door. You
[17] see the plan. You see the plan. Here I want to
[18] put the biblioth que.
[19] Q: The library?
[20] MR. ISRAEL: Just write "library."
[21] A: And that's it, I know. And I want
[22] to use this wood, why this wood, because
[23] palisander, they didn't even here about this wood
[24] before me. Why palisander? Because palisander,

[1] **V. Voronchenko**
[2] I may be the biggest collector the Russian
[3] icons in enamel, you know, I have the biggest,
[4] the best in the world of collection of Russian
[5] items. And the palisander, this is a typical
[6] wood for very expensive and rare Russian icons.
[7] They're professional people did the icons like 3,
[8] 400 years ago, 200 years ago from palisander, and
[9] I told him I want to use palisander.
[10] **Q:** Did you ultimately —
[11] **MR. MANDEL:** Withdrawn.
[12] **Q:** Did you use palisander in the
[13] apartment?
[14] **A:** Very wrong. I change decision after
[15] this. I just — I just on the library, just
[16] part, small part of the library I use palisander
[17] because I didn't like — I didn't like the color
[18] of palisander, you know, because in Russia we
[19] have another material than here. Here — in
[20] Russia, palisander is more dark, natural. Here
[21] it's more light and more red. I don't like this,
[22] you know. Why am I talking you about this —
[23] about this? Because you made some decision, you
[24] know, but when you see the whole thing all
[25] together, you know, you are — you start to

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[1] **V. Voronchenko**
[2] job, you know, they must organize all
[3] the — where is the some lights, what kind of
[4] lights to find this lights all of these lights
[5] from Europe, not from America, from very exotic,
[6] small companies, you know. It's a huge job.
[7] This job is for the time, how many
[8] hours you need to spend for this time, it's much
[9] more than even to prepare these two books, full
[10] two books, because this is — two books is only,
[11] you know, this is like part of — part of the
[12] job.
[13] What — what did the technical thing
[14] another time and Libracon another, they did
[15] another job, their job, you know, their job.
[16] If they — if they ask me, Vladimir,
[17] you pay us 55 or 50,000, but, you know, we are
[18] looking for another 10,000, maybe — maybe I talk
[19] okay, this question is situation is family, okay
[20] take 10,000 or 15,000 and that's it, you know.
[21] And finish.
[22] But when the people ask me for the
[23] whole amount of the money, when they — another
[24] people spend it a lot of time to finish this
[25] project, how it's possible to even talk about

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[1] **V. Voronchenko**
[2] understand this is a mistake.
[3] Why are people always look for
[4] final, final drawings and final project? If
[5] they — if they finished for me 100 percent final
[6] project, you know, with these two books, one
[7] books with all drawings for whole apartment, for
[8] whole material for apartment.
[9] This case yes, they did some job.
[10] Even in this case not final job, not for 200,000
[11] because they has to — after this prepare two
[12] books they have to prepare all blueprints, they
[13] have to buy — you can't imagine how many hours
[14] and days you have to spend to buy all of these
[15] items what you saw in the apartment. Because
[16] they have to propose this to me, they propose me
[17] 20 piece, I don't like all 20. If they propose
[18] me another 20, I don't like all 20.
[19] Third — third time, oh, I like this. You know,
[20] it's a huge, huge big job.
[21] As you saw in apartment, we have
[22] clever, clever home. You know everything is
[23] iPad. You can do what you want in the apartment
[24] through iPad, every room iPad.
[25] They — they must to organize this

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[1] **V. Voronchenko**
[2] this? You know, it's not fair. It's not a
[3] question of the money. It's not fair, for me
[4] personally.
[5] **Q:** Would you feel —
[6] **A:** I tried to help him, you know.
[7] Because my friends — you know, it's always like
[8] this, don't do anything good for your friends,
[9] and you never have headache. When you started to
[10] try to do this, you have situation like I have
[11] here, and I am talking with you now.
[12] **Q:** Would you feel differently if, in
[13] fact, Pepe Calderin and Garth and Libracon had
[14] copied Triarch's drawings?
[15] **MR. ISRAEL:** Objection.
[16] **MR. MCKEE:** Objection.
[17] **A:** They copied —
[18] **MR. ISRAEL:** He's saying would
[19] you — would your answer be different if
[20] they copied.
[21] **THE WITNESS:** I understand.
[22] **A:** But for what they need to copy?
[23] Tell me. If I have all material, I can send all
[24] of this to factory and they don't need to do
[25] anything, they don't have the job.

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[1] **V. Voronchenko**
[2] Q: Yes. I'm just asking, if, in fact,
[3] Libracon and Garth and Pepe Calderin had copied
[4] Triarch and their design included a lot of work
[5] that Triarch had actually done, would you feel
[6] differently about what is fair in this case?
[7] MR. MCKEE: Objection.
[8] MR. ISRAEL: Objection.
[9] If you understand you can answer. It
[10] was a complicated question. If you
[11] understand, you can answer.
[12] A: I try to repeat your question. If
[13] Triarch — if Pepe and Libracon took the — used
[14] Triarch blueprints, I don't know, and I think
[15] it's impossible because we changed the
[16] architectural layout.
[17] When you change architectural
[18] layout, even if you have the blueprints, you have
[19] to change all blueprints. It was absolutely
[20] another sizes, you know, another sizes. This is
[21] a — this is a problem.
[22] Q: Sure.
[23] A: And —
[24] Q: There were changes made in the
[25] design of the apartment after Triarch stopped

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[1] **V. Voronchenko**
[2] A: Listen, I did this, I never do this,
[3] to see the difference between this.
[4] Q: Okay. Understood. So my question
[5] is —
[6] A: I took — I took his first pictures
[7] for this, I used them, but I paid for them, more
[8] than I must, you know. I — I paid for this
[9] picture 55,000, it's not cost like this.
[10] Q: So you used —
[11] MR. MANDEL: Could we get that
[12] book — the book of renderings. Thank you.
[13] Q: I'm going to hand you what has
[14] previously been marked as plaintiff's —
[15] MR. MANDEL: This is not it.
[16] A: I spent a lot of time —
[17] MR. ISRAEL: There is no question,
[18] there is no question. Let him ask a
[19] question first.
[20] THE WITNESS: Okay.
[21] Q: I'm going to hand you what has been
[22] marked as Defendant's Exhibit 4. I'm going to
[23] ask you, are these the pictures that you took and
[24] used?
[25] MR. ISRAEL: Objection.

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[1] **V. Voronchenko**
[2] working on it, right?
[3] MR. ISRAEL: Objection.
[4] A: No, when — when we started to talk
[5] with — when I worked with Triarch we spoke about
[6] new design, you know, we spoke about this, to
[7] change this, but I understood it's impossible
[8] with them, because very, very slow, because they
[9] did everything very, very slowly.
[10] Q: Okay. You think that Libracon and
[11] Garth Hayden and Pepe Calderin did not copy
[12] Triarch that much, I think you made very clear.
[13] A: I don't know, sorry. I never tell
[14] you.
[15] Q: You don't know one way or another?
[16] A: I don't know about this. I am not
[17] involved to — to keep this materials and to send
[18] to them.
[19] Q: And you've never compared Triarch's
[20] drawings to, say, Garth Hayden's drawings?
[21] MR. ISRAEL: Objection.
[22] A: Sorry, again?
[23] Q: Have you ever held Garth Hayden's
[24] drawings next to Triarch's drawings and said are
[25] these similar in any way? Have you ever —

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[1] **V. Voronchenko**
[2] A: Okay. What — what I have to say to
[3] you, tell me?
[4] Q: Earlier you testified that you took
[5] and you used some photos or some pictures from
[6] Triarch. And my question is, are these the
[7] pictures that you took and used?
[8] MR. ISRAEL: Objection. Misstates
[9] testimony.
[10] You can answer if you understand.
[11] A: Again, you showed me three rooms.
[12] Three rooms. Yes? Just all of this — all of
[13] this one is just three rooms from the apartment.
[14] Dining room. And — you understand what I mean?
[15] Q: Maybe four rooms, dining room,
[16] living room, foyer, library and master bedroom,
[17] five rooms?
[18] A: No, no, no, no. Sorry. Bedroom we
[19] changed, and bedroom is completely like upstairs.
[20] And Garth gave them the — the plan before. We
[21] gave to Triarch, they had the plan. The bedroom,
[22] my bedroom, and before we start to work with
[23] them, you know. And if you see the design of
[24] master bedroom, design is completely different.
[25] We — again, we are talking about — about three

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<p>[1] V. Voronchenko</p> <p>[2] rooms. What really what I took from them, that's</p> <p>[3] it, you know, this is it. All their drawing.</p> <p>[4] Q: So —</p> <p>[5] A: Some of them —</p> <p>[6] Q: So the record is clear, those are</p> <p>[7] pictures of the foyer, right? Those are</p> <p>[8] renderings of the foyer?</p> <p>[9] A: This is completely another one,</p> <p>[10] because we completely changed the architectural</p> <p>[11] plan, completely changed.</p> <p>[12] Better to see the architectural plan</p> <p>[13] with the — later and with the Triarch, and I can</p> <p>[14] show you what — what is the difference. Is it</p> <p>[15] possible?</p> <p>[16] Q: Sure. We can definitely look at</p> <p>[17] that.</p> <p>[18] How about, you're looking there at</p> <p>[19] renderings of the library, did you use those</p> <p>[20] renderings in any way?</p> <p>[21] MR. ISRAEL: Just note my objection.</p> <p>[22] You can answer.</p> <p>[23] A: This is a — not really, you know</p> <p>[24] why, because we changed — change a lot. Here</p> <p>[25] the library is like — like a library,</p>	<p>[1] V. Voronchenko</p> <p>[2] the record. That sticker is a way to identify</p> <p>[3] for the record which document you're talking</p> <p>[4] about.</p> <p>[5] MR. ISRAEL: You can verify it with</p> <p>[6] me, and I'll verify what he's looking at.</p> <p>[7] A: Can I have — can I have — I want</p> <p>[8] to show you even here.</p> <p>[9] MR. ISRAEL: You can't write on it.</p> <p>[10] Unless you want him to write on it.</p> <p>[11] MR. MANDEL: No. I don't</p> <p>[12] think — we can make copies, if that is</p> <p>[13] necessary of something.</p> <p>[14] Q: Mr. Voronchenko, I'm sure you have a</p> <p>[15] lot to say. Let me start with one question.</p> <p>[16] A: It's — it's — even in this area,</p> <p>[17] it's completely another architectural plan.</p> <p>[18] Completely another architectural plan. To show</p> <p>[19] you by — can I show —</p> <p>[20] MR. ISRAEL: He doesn't want you to</p> <p>[21] write.</p> <p>[22] THE WITNESS: No, I won't.</p> <p>[23] MR. ISRAEL: Let me put the needle</p> <p>[24] down.</p> <p>[25] A: Okay. As you see, for example, you</p>

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<p>[1] V. Voronchenko</p> <p>[2] just — just how it's called?</p> <p>[3] MR. ISRAEL: Bookcases.</p> <p>[4] A: Yeah. Just bookcases. We put it</p> <p>[5] here two huge line, beautiful Lalique glass, this</p> <p>[6] is really design and decoration, here is nothing,</p> <p>[7] just book — bookcases. And that's it.</p> <p>[8] Q: How about the ceiling?</p> <p>[9] A: Ceiling, yeah. Ceiling we have</p> <p>[10] similar, because I spoke with him, I spend for</p> <p>[11] them a lot of time showing them a lot of</p> <p>[12] magazines and pictures, a lot. They did what I</p> <p>[13] want. You know, this is really my design, not</p> <p>[14] their design.</p> <p>[15] Q: Okay. So —</p> <p>[16] A: My design.</p> <p>[17] Q: I understand. So plaintiff's —</p> <p>[18] excuse me, are Defendant's Exhibit 4, and I will</p> <p>[19] say that is how I'll refer to things today, there</p> <p>[20] will have a ticker with a number and it will</p> <p>[21] either be plaintiff's exhibit or defendant's</p> <p>[22] exhibit.</p> <p>[23] A: What do you mean, the plaintiff's?</p> <p>[24] What does it mean?</p> <p>[25] Q: That is just a way to identify for</p>	<p>[1] V. Voronchenko</p> <p>[2] have elevator, you have elevator lobby, do you</p> <p>[3] see?</p> <p>[4] Q: Yes.</p> <p>[5] A: Like in every apartment. Elevator</p> <p>[6] lobby, and after this we have hall. Now, no this</p> <p>[7] wall, no this and no this. We have one full</p> <p>[8] room. The entrance to the apartment directly</p> <p>[9] from the — directly from the elevator. Do you</p> <p>[10] understand? Yes?</p> <p>[11] Q: Yes.</p> <p>[12] A: This is no wall here. All of this</p> <p>[13] area no walls. We — we take out all of these</p> <p>[14] things, take out this, this wall, take out that</p> <p>[15] wall, and now it looks like this, boom, boom,</p> <p>[16] boom, like a big square room. Not all of this</p> <p>[17] details.</p> <p>[18] We cut this door, now it's no doors</p> <p>[19] here. Just column here.</p> <p>[20] Here, we just leave this place where</p> <p>[21] there is TV, if you remember. Here, no walls.</p> <p>[22] And completely another design of the master</p> <p>[23] bathroom, you know.</p> <p>[24] And this main idea of the — of the</p> <p>[25] closets, you know, in the — this is a completely</p>

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[1] **V. Voronchenko**
[2] different design. Design here is completely
[3] different than design of Garth. This is — I
[4] gave him —
[5] **MR. ISRAEL:** You mean Triarch?
[6] **A:** Triarch. Sorry. Triarch.
[7] I gave him this — we had with Garth
[8] idea before Triarch, and we gave them — we have
[9] documentation for this. We gave him this
[10] drawing. This is our drawing. We gave him this
[11] ready drawings to use. After — after Triarch,
[12] we changed, we changed. We changed all of this
[13] main area.
[14] **MR. ISRAEL:** Give me this one, one
[15] second.
[16] Just to be clear, the witness is
[17] speaking about Defendant's Exhibit 4, and
[18] it's a page that has in the bottom left
[19] hand corner a picture that purports to be a
[20] schematic of the library. And in the
[21] center of the page there is something that
[22] is identified as the east perspective.
[23] **A:** Okay.
[24] **Q:** I guess now I would just ask, did
[25] you take anything from Defendant's Exhibit 4 and

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[1] **V. Voronchenko**
[2] **MR. ISRAEL:** You don't have to show
[3] him the phone.
[4] **A:** And many years I have this typical
[5] art deco sculpture, and you see it in my dining
[6] room, and I told them, please, do you see this?
[7] **MR. MANDEL:** The record should
[8] reflect that Mr. Voronchenko is showing me
[9] on his iPhone a photograph of a — it looks
[10] like a sculpture, the base of which is made
[11] of stone, and it looks like the top of
[12] which is made of some kind of metal.
[13] **MR. ISRAEL:** The witness testified
[14] that he just took this picture yesterday,
[15] we'll produce it when we have a copy.
[16] **A:** This is my floor in my apartment.
[17] **Q:** Now —
[18] **A:** In my —
[19] **MR. MANDEL:** He's showing another
[20] photo now. Mr. Voronchenko says it is the
[21] floor of the apartment, it's a picture of
[22] stone, and the stone in the floor of his
[23] apartment —
[24] **A:** See.
[25] **MR. MANDEL:** — appears to be very

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[1] **V. Voronchenko**
[2] include that in your final design for the
[3] apartment?
[4] **MR. ISRAEL:** Objection.
[5] **A:** Sorry, again?
[6] **Q:** Sure. Did you take anything from
[7] this document, from this book, Defendant's
[8] Exhibit 4, and include that in the final design
[9] of the apartment?
[10] **MR. ISRAEL:** Including the things
[11] he's attributed to Garth, because he just
[12] testified that he attributed stuff to
[13] Garth. You mean did he use anything
[14] including Garth?
[15] **MR. MANDEL:** Yes. Start with
[16] anything in this book, and we can have a
[17] separate conversation.
[18] **A:** Even with the floor, you see —
[19] **MR. ISRAEL:** Sorry.
[20] **A:** — you see the floor, I don't have
[21] this, but the color of the stone, I — yesterday
[22] I made the picture to explain you why this is my
[23] decision to find this floor. Why, I'm going to
[24] explain to you, because this is a typical art
[25] deco stone and many years —

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[1] **V. Voronchenko**
[2] similar to the stone on the base of the
[3] sculpture.
[4] **Q:** Let me just ask this question. You
[5] received this book, that is Defendant's Exhibit
[6] 4, from Triarch, correct?
[7] **A:** I saw not like a book. I saw like a
[8] separate — I never saw the book like book. I
[9] never saw this book like book. I saw like a
[10] separate — separate pages, I saw many of them.
[11] **Q:** The separate pages that you saw, do
[12] those appear to be the same separate pages that
[13] are in the book?
[14] **A:** I think, yes, maybe.
[15] **Q:** As far as you can tell, they're
[16] similar?
[17] **A:** I — it was years ago, I don't
[18] remember, I don't know. It looks similar, but I
[19] can't tell you if this exactly exists or not.
[20] **Q:** Did you take —
[21] **A:** Because I don't know what they do
[22] with all of these things before they came to the
[23] court, you know, they had a lot of times to
[24] prepare any — any documentation for this.
[25] **Q:** Did you take those separate pages,

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<p>[1] V. Voronchenko</p> <p>[2] that are similar to the pages in Defendant's [3] Exhibit 4, and show them to any other person?</p> <p>[4] MR. ISRAEL: Objection.</p> <p>[5] You can answer.</p> <p>[6] A: Sorry?</p> <p>[7] MR. ISRAEL: What he's asking you is [8] when you saw the separate pages that you [9] say look like the pages in this book, [10] right?</p> <p>[11] THE WITNESS: Yes.</p> <p>[12] MR. ISRAEL: If you gave them to [13] anyone else, the separate pages?</p> <p>[14] A: When?</p> <p>[15] Q: At any time?</p> <p>[16] A: Yes, I showed.</p> <p>[17] Q: Who did you show them to?</p> <p>[18] A: I don't understand.</p> <p>[19] Q: Which persons did you show them to?</p> <p>[20] A: Oh, these pages?</p> <p>[21] Q: Yes.</p> <p>[22] A: You're asking me somebody showed me [23] these pages?</p> <p>[24] MR. ISRAEL: He wants to know if you [25] showed them to anyone else, when?</p>	<p>[1] V. Voronchenko</p> <p>[2] 55,000, what I have, that's it, you know.</p> <p>[3] I like — I don't like architecture</p> <p>[4] drawings. It's very bad. You have to change</p> <p>[5] completely, you know. I like some details, could</p> <p>[6] you keep for me the walls in this room for doors,</p> <p>[7] walls and doors. I want to see this because I</p> <p>[8] spent a lot of time to — to find this solution</p> <p>[9] and that's it.</p> <p>[10] Q: So —</p> <p>[11] A: In many things I much more</p> <p>[12] professionally — I have more professional skills</p> <p>[13] like in this situation than they are, believe me.</p> <p>[14] Sorry about that. Now I am —</p> <p>[15] Q: So you asked Mr. Calderin to include</p> <p>[16] some of the aspects in these pictures in</p> <p>[17] Defendant's Exhibit 4 in the design of the</p> <p>[18] apartment; is that correct?</p> <p>[19] MR. ISRAEL: Objection.</p> <p>[20] MR. MCKEE: Objection to form.</p> <p>[21] MR. ISRAEL: Objection.</p> <p>[22] A: Objection?</p> <p>[23] Q: When he objects, you can still</p> <p>[24] answer the question.</p> <p>[25] MR. ISRAEL: You can still answer</p>

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<p>[1] V. Voronchenko</p> <p>[2] A: If I —</p> <p>[3] MR. ISRAEL: If you take the page</p> <p>[4] that you got —</p> <p>[5] THE WITNESS: Yes.</p> <p>[6] MR. ISRAEL: — and you showed them</p> <p>[7] to anyone else, anyone who was involved in</p> <p>[8] creating the apartment.</p> <p>[9] A: I showed to Garth, yes.</p> <p>[10] Q: Did you show them to Pepe Calderin?</p> <p>[11] A: I think, yes.</p> <p>[12] Q: Did you show them to Libracon?</p> <p>[13] A: I think, yes.</p> <p>[14] Q: Did you show them to any of the</p> <p>[15] people doing construction on the apartment?</p> <p>[16] A: It's not my deal, I don't know about</p> <p>[17] this.</p> <p>[18] Q: And did you show them to any friends</p> <p>[19] of yours?</p> <p>[20] A: Listen, listen, I am not show</p> <p>[21] this — you think I took this paper and go to</p> <p>[22] this, to this, to this, no. I invited — I</p> <p>[23] invited — I invited new designer, you know, new</p> <p>[24] designer. I told him, listen, what I have from</p> <p>[25] my previous — previous job which costed 5 —</p>	<p>[1] V. Voronchenko</p> <p>[2] the question.</p> <p>[3] Q: Unless he tells you not to answer</p> <p>[4] the question.</p> <p>[5] MR. ISRAEL: I'm creating a record.</p> <p>[6] I have a problem with the question that he</p> <p>[7] asked you, but you still have to answer it,</p> <p>[8] if you understand it.</p> <p>[9] A: Yes. As I told you, when I stopped</p> <p>[10] to work with Mr. Calderin, I told him, listen, I</p> <p>[11] spent a lot of time, again, I repeat, to find</p> <p>[12] this decision, you know, it's not decision of</p> <p>[13] Triarch, I spent a lot of my private time because</p> <p>[14] I like this job to — to make this some of these</p> <p>[15] pictures, you know, I — I send — I showed him</p> <p>[16] tens books, hundreds magazine and exact pictures</p> <p>[17] of what I like, you know, this, this panelling, I</p> <p>[18] like this, I like that, I like this. You know,</p> <p>[19] it was our mutual job, all of these pictures.</p> <p>[20] Ask Triarch, it was never them. And I asked Pepe</p> <p>[21] Calderin, and I want to keep — I want to keep in</p> <p>[22] these three rooms, I want to keep walls and</p> <p>[23] doors. That's it. But you need to change,</p> <p>[24] completely change all design in the — in the</p> <p>[25] center of the apartment, in the heart of the</p>

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[1] **V. Voronchenko**
[2] apartment.
[3] Q: Other than the walls and the doors,
[4] did you ask Mr. Calderin to use anything else
[5] that was in Defendant's Exhibit 4?
[6] A: No, just walls and doors.
[7] Q: And did the walls and doors that are
[8] in Defendant's Exhibit 4 get included in the
[9] final renovation of the apartment?
[10] MR. ISRAEL: Objection.
[11] You can answer, if you understand.
[12] A: We changed a lot of this, but we
[13] use — we used what I told you two times before,
[14] when I started to work with Calderin, I told him,
[15] please, in your design, keep these details, walls
[16] and doors.
[17] Q: Did you —
[18] A: If you need, I can explain this,
[19] repeat this more times.
[20] Q: I want to be crystal-clear on this
[21] one point. Other than the walls and the doors,
[22] was there anything else that you asked
[23] Mr. Calderin to include in his designs from
[24] Defendant's Exhibit 4?
[25] A: You asked me the same questions

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[1] **V. Voronchenko**
[2] of the project and ask me several times did you
[3] use, did you use, did you use. Yeah, I — as I
[4] told you, I used — not I used, I tell to Pepe
[5] Calderin to — to keep this wall and that's it,
[6] what I took from them.
[7] Q: You told Mr. Calderin to keep the
[8] walls and the doors for which three rooms?
[9] A: Living room, and for years this is
[10] one room, because this is one mutual area. I
[11] mean, this area, dining room and library. And my
[12] calculation, it's three rooms.
[13] Q: How about the foyer?
[14] A: Foyer together with living room,
[15] because this is one space. You know, when — now
[16] one space.
[17] With the Triarch it was two
[18] different spaces, because it was doors, doors,
[19] doors, doors. Now it's one space, as you saw, as
[20] you saw this. Now it's one space, because we
[21] completely changed this. We can talk — we can
[22] talk to ask them give it back, 20,000 from 55.
[23] Q: I'm showing you on Exhibit D-4 the
[24] pages that refer to the master bedroom.
[25] A: This is absolutely another one, this

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[1] **V. Voronchenko**
[2] before. Again, I can tell you, I ask
[3] Mr. Calderin to keep design of walls and doors
[4] for these rooms, these three rooms.
[5] Q: Right. But you've been crystal
[6] clear on the walls and the doors. I'm asking
[7] about other than the walls and the doors, was
[8] there anything else you asked him to use from —
[9] A: If you see another room, for
[10] example, in master bedroom, absolutely another
[11] walls, absolutely another doors to the — to the
[12] master bathroom, absolutely another design in
[13] kids' bedrooms, absolutely. I didn't have any
[14] design for the kids' bedroom from him — from —
[15] from Triarch. I did not have any design from the
[16] bathrooms from Triarch, any design.
[17] Q: Were you saying absolutely or
[18] absolutely not?
[19] A: Not. We didn't have. I don't
[20] understand why we have — they are looking to
[21] take whole amount for whole amount, they
[22] have — they must do whole job to ask for me for
[23] whole amount of money, they have to show me whole
[24] amount, whole — all their jobs, and I'll pay all
[25] the money, that's it. You showed me a small part

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[1] **V. Voronchenko**
[2] is absolutely another one. This is absolutely
[3] another one. And this is absolutely another one.
[4] Q: So are there any aspects of the
[5] master bedroom that you told —
[6] A: This is — this is I gave to.
[7] Q: — told Calderin to use?
[8] A: This I gave to Triarch.
[9] Q: Are you pointing to the closets?
[10] A: Yes. The closets. Because the same
[11] closets are upstairs in the building, it's very
[12] easy to make the upstairs, the pictures. And
[13] this drawings, you see the drawings, where is the
[14] drawings? Yes. You see the drawings, we gave to
[15] Triarch these drawings, this is not Triarch in
[16] here. All the other things absolutely another
[17] design.
[18] MR. ISRAEL: Just a second, so we're
[19] talking about Defendant's Exhibit 4, a page
[20] that says east perspective in the center,
[21] master bedroom in the left, bottom left
[22] corner and the witness is pointing to the
[23] schematic of above the master bedroom.
[24] A: We have everything different. We
[25] have completely different — look at this, why I

[1] **V. Voronchenko**
[2] stopped to work with them. This is night tables,
[3] has connections with art deco style like me with
[4] Chinese interpreter, no? It is the same this
[5] one. There is absolutely not — people don't
[6] have enough education for art deco style.
[7] If you ask any professional people,
[8] is — is it close to even far close to the art
[9] deco style? Everyone will tell me no. This is
[10] very far from it. I make these decisions,
[11] not — and we have completely different design
[12] here. Completely different design. Completely
[13] if you show — if you see the master bathroom, it
[14] is ridiculous, ridiculous what we had before and
[15] what we have now.
[16] You know, what is the weak point of
[17] Triarch, as I understood it? If they asked, for
[18] example, we are looking — you pay us 55,000 but
[19] we are looking to take additional 20, 30,000, or
[20] 40 or 15, why? Because we calculate our — this
[21] project for three rooms more than 55, this is a
[22] question of discussion between — you know, but
[23] when they're asking to take the full amount —
[24] **MR. ISRAEL:** There is no question
[25] pending, just wait for him to ask a

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[1] **V. Voronchenko**
[2] any project has to be in time. Time — time was,
[3] as usual, one year, you know, as usual.
[4] Q: But even after you terminated them,
[5] they sent you a final invoice right?
[6] A: They, I don't know.
[7] Q: Is it your understanding —
[8] **MR. MANDEL:** Withdrawn.
[9] Q: Did they ask you for money after you
[10] terminated them?
[11] A: If I remember, no. They started to
[12] do this more later.
[13] Q: How long did the project take to
[14] complete?
[15] **MR. ISRAEL:** Objection.
[16] You can answer. You can answer if
[17] you understand. I made an objection to the
[18] form of the question, but you still have to
[19] answer it, if you understand the question.
[20] A: How long?
[21] Q: How long did the renovation and
[22] decoration of the apartment take?
[23] A: It's long time. You know why?
[24] Because I was too busy to do something with this
[25] apartment. You know, I had at that time for me

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[1] **V. Voronchenko**
[2] question.
[3] **THE WITNESS:** Just this is when
[4] they're asking for full amount for all
[5] drawing I don't understand why.
[6] Q: Was it your understanding —
[7] **MR. MANDEL:** Withdrawn.
[8] Q: In late January, you decide to
[9] terminate Triarch, correct?
[10] A: Same we do this more orderly, but I
[11] tried to keep the situation. We sent a letter to
[12] them, please, late, everything is late,
[13] everything is late, everything is late. I think
[14] we have this —
[15] **MR. ISRAEL:** E-mails.
[16] A: — e-mails in your situation.
[17] **MR. ISRAEL:** He's talking about
[18] e-mails, not letters.
[19] A: This is not like this, you know, one
[20] day I came and I tell them to stop without any
[21] reasons, you know. We have a lot of e-mails with
[22] them for same reasons, why not this one, why not
[23] that one, why too late, too late, too late.
[24] This is a stop as a result of many,
[25] many too late, you know. Because this project —

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[1] **V. Voronchenko**
[2] very important, important work in Moscow. I
[3] didn't have time to — to concentrate on this
[4] project. And, you know, was like — and I lost
[5] the interest, you know, to do this, after this
[6] situation.
[7] This is — I enjoyed this process as
[8] usual, but when you have not good situation, you
[9] always — you can lose interest to — to some
[10] project. And they're not — after this, I was
[11] not very much involved in this project, and it
[12] was long time because I didn't have time.
[13] Q: And when did you lose interest in
[14] the project?
[15] A: After Triarch. Because they really
[16] spend for them a lot of my time. My time
[17] was — I took a lot of books from Europe, you
[18] know, to them, to show them a lot of magazines,
[19] really spent with them hours, hours, hours,
[20] hours. No question.
[21] **MR. ISRAEL:** Can we go off the
[22] record for one second.
[23] (Discussion held off the record.)
[24] (Time noted: 11:48 a.m.)
[25] (A brief recess is taken.)

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<p style="text-align: right;">Page 101</p> <p>V. Voronchenko</p> <p>[1] [2] (Time noted: 11:53 a.m.)</p> <p>[3] Q: From start to finish, did the</p> <p>[4] renovation and decoration of the apartment take</p> <p>[5] about four years?</p> <p>[6] A: I didn't calculate. I even didn't</p> <p>[7] calculate.</p> <p>[8] Q: When did you start working on the</p> <p>[9] renovation of the apartment?</p> <p>[10] A: I don't remember. A long time. You</p> <p>[11] know, with Triarch or with whom? With Triarch?</p> <p>[12] Q: What —</p> <p>[13] A: What year it was?</p> <p>[14] Q: The Triarch contract was entered</p> <p>[15] into in early September 2008. And there are</p> <p>[16] contracts that go back further than that, I</p> <p>[17] believe you hired Libracon before that, correct?</p> <p>[18] A: I believe before?</p> <p>[19] Q: You signed a contract with Libracon</p> <p>[20] before — we'll get to that contract, that's</p> <p>[21] okay.</p> <p>[22] Do you think it would have been</p> <p>[23] possible to accomplish the renovation and</p> <p>[24] decoration of the apartment in less than four</p> <p>[25] years?</p>	<p style="text-align: right;">Page 103</p> <p>V. Voronchenko</p> <p>[1] [2] A: Moscow.</p> <p>[3] Q: And —</p> <p>[4] A: And not one project like this.</p> <p>[5] Q: What was the project?</p> <p>[6] A: It was retail. Retail. Retail</p> <p>[7] business. With business you have to do every</p> <p>[8] day, you know. But if you find right persons,</p> <p>[9] you know, and if you — if you organize</p> <p>[10] everything clear, you can do this very quick.</p> <p>[11] But when I — most of the time on site from the</p> <p>[12] country and nobody push, nobody everyday ask,</p> <p>[13] it's always — always a weak project, you know.</p> <p>[14] And as a business project, you work with business</p> <p>[15] project every day, from the morning to the night.</p> <p>[16] And project like this, nobody in</p> <p>[17] Russia and it's continuing, continual exist. I</p> <p>[18] started very energetic way, you know, I want to</p> <p>[19] finish immediately, but when I understood how its</p> <p>[20] work in New York, in New York, you know, and I</p> <p>[21] lost — I lost energy for this.</p> <p>[22] Q: Do you think it's possible to do a</p> <p>[23] residential project in New York of this type in</p> <p>[24] less than a year?</p> <p>[25] MR. ISRAEL: Objection.</p>
<p style="text-align: right;">Page 102</p> <p>V. Voronchenko</p> <p>[1] [2] A: Of course, it's possible to do in</p> <p>[3] one year.</p> <p>[4] Q: Is it possible to do in less than</p> <p>[5] one year?</p> <p>[6] A: I'm sorry?</p> <p>[7] Q: Would it be possible to do in less</p> <p>[8] than a year?</p> <p>[9] A: Lust?</p> <p>[10] Q: Less, short time, more quickly.</p> <p>[11] MR. ISRAEL: Quicker, quicker, would</p> <p>[12] it have been possible to do it quicker than</p> <p>[13] one year?</p> <p>[14] A: Quicker than one year? I did</p> <p>[15] project like this less than one year, more</p> <p>[16] complicated than this, less than one year.</p> <p>[17] Q: How long did that other project</p> <p>[18] take?</p> <p>[19] A: What?</p> <p>[20] Q: How much time did this other project</p> <p>[21] take?</p> <p>[22] A: I make project much more, three</p> <p>[23] times bigger than this and difficult than this</p> <p>[24] and five months.</p> <p>[25] Q: And where was that project done?</p>	<p style="text-align: right;">Page 104</p> <p>V. Voronchenko</p> <p>[1] [2] You can answer.</p> <p>[3] A: I don't know about New York, but I</p> <p>[4] know exactly Moscow, yes. In New York, I don't</p> <p>[5] have experience. Now I have. Sorry. Now I have</p> <p>[6] experience.</p> <p>[7] Q: Wait —</p> <p>[8] A: If you next person will ask me about</p> <p>[9] this, I will tell you oh.</p> <p>[10] Q: When you hired Mr. Calderin, how</p> <p>[11] long did he take to prepare designs of the</p> <p>[12] apartment?</p> <p>[13] A: He did, like this, very, very speedy</p> <p>[14] like this. I had final design like couple of</p> <p>[15] weeks, you know. I had final design for whole</p> <p>[16] apartment with all architectural changes with</p> <p>[17] everything, you know.</p> <p>[18] Q: And did he present you with</p> <p>[19] renderings, like the renderings contained in</p> <p>[20] Exhibit 4?</p> <p>[21] MR. MCKEE: Objection to form.</p> <p>[22] MR. ISRAEL: Objection.</p> <p>[23] MR. MCKEE: You might want to</p> <p>[24] explain what you mean by a rendering to the</p> <p>[25] witness.</p>

[1] **V. Voronchenko**
[2] **MR. MANDEL:** Withdrawn.
[3] **Q:** Showing you the second page or the
[4] first full set — the first page of Defendant's
[5] Exhibit 4 that has images on it, am I correct
[6] that these are computer-generated images?
[7] **MR. ISRAEL:** Objection.
[8] **A:** What is computer —
[9] **MR. ISRAEL:** He wants to know if
[10] this came out of a computer, these
[11] pictures.
[12] **A:** All of this computer pictures.
[13] **Q:** Yes. And have you —
[14] **A:** This is — this job possible to do
[15] in computer 10 minutes, you know.
[16] **Q:** Right. You didn't take 10 minutes
[17] to prepare this kind of image on a computer?
[18] **A:** It's very easy. 10 minutes, maybe
[19] one hour, maybe less than 10 minutes, it's no
[20] problem. You — I know the designers
[21] have — have special programs, you know. They
[22] can to put any piece of furniture on the
[23] computer, and like this, and to move the — move
[24] the walls, and change the colors and change
[25] everything. It's special. Special professional

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[1] **V. Voronchenko**
[2] **A:** I remember this. Yes, I remember
[3] this.
[4] **Q:** What is that document?
[5] **A:** They had many proposition with this.
[6] This is my apartment, not my — it was different
[7] proposition with this. I have more proposition
[8] than this.
[9] **Q:** Did Libracon prepare this?
[10] **MR. ISRAEL:** Objection.
[11] **A:** Sorry?
[12] **Q:** Did Libracon prepare that document?
[13] **MR. ISRAEL:** If you know.
[14] **Q:** If you know.
[15] **A:** I think yes, because in Russian,
[16] because only Libracon can —
[17] **Q:** And in the lower right-hand corner
[18] it says "Libracon"?
[19] **A:** Libracon. Correct.
[20] **Q:** Are those Libracon designs for the
[21] 515 apartment on the 21st floor?
[22] **A:** What do you think about? You know,
[23] you ask me is this Libracon, and you ask me is
[24] this Libracon design? I don't know. I don't
[25] know. What do you think about? If the design,

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[1] **V. Voronchenko**
[2] programs.
[3] **Q:** Do you use the word rendering?
[4] **A:** What is renderings?
[5] **Q:** You never heard that word before?
[6] **A:** What is renderings?
[7] **Q:** Renderings is a word that I heard
[8] used to describe these type of generated images.
[9] I don't like to use new words for you. What word
[10] would you use to describe these images?
[11] **A:** Images. Just images.
[12] **Q:** Okay. Did Mr. Calderin provide you
[13] with images of what the apartment would look
[14] like?
[15] **A:** Look like? Yes. I don't remember.
[16] **Q:** You don't remember whether
[17] Mr. Calderin ever gave you any images?
[18] **A:** No. What I remember — of course he
[19] gave me a lot of images.
[20] **Q:** He did give you images?
[21] **A:** Of course he did. How is it
[22] possible?
[23] **Q:** I'm going to show you what has
[24] already been marked as Plaintiff's Exhibit 10.
[25] Do you recognize that document?

[1] **V. Voronchenko**
[2] the address 515, and Libracon stamp, I don't
[3] know.
[4] **Q:** Sometimes a document appears to be
[5] one thing but, in fact, it's something else so
[6] you ask the witness if it is what it looks like.
[7] **A:** I had tons of different proposition
[8] for this — for this design. Libracon, they are
[9] our friends, you know, they did a lot of drawing,
[10] by the way, not bad. I saw this but I forgot it,
[11] many years ago, you know. Look at this, typical
[12] art deco, this one, you know, typical art deco.
[13] Not bad.
[14] **Q:** And do you know if Libracon prepared
[15] that before or after Triarch gave you its book of
[16] images?
[17] **MR. ISRAEL:** I just want to identify
[18] that the answer was not bad, when he said
[19] not bad, two pages, it's the second page
[20] before the end of the document.
[21] **MR. McKEE:** I'll object to the form
[22] of the question.
[23] **A:** I think it's before. I think this
[24] is before Triarch.
[25] **Q:** Why do you think that?

<p style="text-align: right;">Page 109</p> <p>V. Voronchenko</p> <p>[1] [2] A: Huh? [3] Q: Why do you think that? [4] A: Because it's very similar, because I [5] ask this, you know, because this is typical, what [6] is a product of Libracon and Triarch, you see [7] it's very similar, you know, and Triarch you saw [8] this before, this — 100 percent before Triarch, [9] because very similar design, look at this. Look [10] at this. Very similar design. Even better than [11] Triarch design, you know. You know why? Because [12] I showed them what I want. I forgot the name of [13] French architecture who is working in this style, [14] but I gave them the book of the architect what [15] he — what he did — [16] Q: You gave who? [17] A: — during his life. [18] Q: You gave who which book? I didn't [19] hear that. You gave who which book? [20] A: Huh? [21] Q: You gave — [22] A: Book of French designer and [23] decoration, you know, it's all this one, and [24] Triarch it's very similar, because they [25] tried — they tried both of them, they tried to</p>	<p style="text-align: right;">Page 111</p> <p>V. Voronchenko</p> <p>[1] [2] A: Sorry, look at this, it's even [3] better than Triarch. I don't understand [4] why — why I didn't take this project, better [5] than Triarch, definitely more clean, not too much [6] stone and beautiful. But it's always not — no [7] time, you know, for private life. Look at this. [8] Q: I understand? [9] A: Real, real — [10] Q: Right now I'm asking you a very [11] specific question. You said you asked Libracon [12] to copy a book of a famous French designer? [13] A: Not copy, it's not copy. I showed [14] them the book and please do me the same. [15] Q: The same design? [16] A: Yes. The same — and not only [17] Libracon, Triarch too. [18] Q: Let's start with Libracon. Is [19] anything in this book that you're showing me here [20] today exactly like the design you asked them to [21] use? [22] A: Libracon? [23] Q: Yes. [24] MR. ISRAEL: Anything like the [25] French design.</p>
<p style="text-align: right;">Page 110</p> <p>V. Voronchenko</p> <p>[1] [2] make a copy of this French designer, what I like, [3] they just tried to make a copy. [4] Q: Who tried to make a copy? [5] A: And — Libracon and Triarch, because [6] I gave them order I want like this. I want this [7] style. I want this style, what you have the [8] book, you have to make me copy of this — of this [9] design — designer and decorator. [10] Q: Which designer? [11] A: I can't find now. In Europe. I can [12] find tomorrow the name of this designer. [13] Q: Did Triarch copy his design in any [14] way? [15] A: Of course, because I asked them and [16] I — Libracon, and I asked Triarch, I showed them [17] what I want exactly. I told him, I want exactly [18] this, exactly like this, not like another one, [19] this one. You see the book, you see the [20] magazines with the apartments with this designer, [21] I want to have exactly like this. [22] Q: And where — and does this exhibit, [23] Plaintiff's Exhibit 10, include a copy of that [24] designer that you're referring to? [25] MR. ISRAEL: Objection.</p>	<p style="text-align: right;">Page 112</p> <p>V. Voronchenko</p> <p>[1] [2] Q: Like the French design? [3] A: Like French designer, yes. [4] Q: Which part — [5] A: I asked — [6] Q: — is like the French design? Can [7] you please show me? [8] A: All of this, all design of Triarch, [9] all design of Libracon, it's like this French [10] design, you know. Similar, you see lot of [11] similar things in Libracon. This was before [12] Triarch. Definitely before. [13] When I start to work with Triarch? [14] Q: In August or September of 2008? [15] A: August or September. This is 14th [16] of February 2008. [17] Q: So this is before? [18] A: It's 10 months before, 10 months [19] before, you see. It is beautiful, beautiful [20] proposition, 10 months before Triarch. [21] Q: So why did you hire Triarch if you [22] had that 10 months before and liked that, why did [23] you hire Triarch? [24] MR. ISRAEL: It's been asked and [25] answered.</p>

[1] **V. Voronchenko** Page 113
[2] You can answer.
[3] A: I had a lot of business, I didn't
[4] have time to do it.
[5] Q: Did you give —
[6] A: And definitely I will continue with
[7] them, with Libracon, because I know them very
[8] well. Only because my friend asked me to help
[9] his kids to do this, to help him, I took the
[10] Triarch because Libracon was a company hundred
[11] times more than — than Triarch company was two
[12] people, you know.
[13] Q: Did you ever give this book to
[14] Triarch?
[15] A: Of course, yes. I gave — I gave
[16] them all — all designers. I had much more than
[17] this one. I gave him more than this one. I
[18] showed him — I had another proposition from
[19] another Italian architecture, what I use in
[20] Moscow. I can tell you the name of this
[21] architecture, he did the same for me, proposition
[22] for — for the apartment, but was a little bit
[23] too strong for me, but I can show you this
[24] proposition.
[25] Q: Other than what you testified to

[1] **V. Voronchenko** Page 115
[2] on behalf of both the defendants, Vladimir
[3] Voronchenko and Medallion Inc.
[4] MR. ISRAEL: Confirmed.
[5] MR. MANDEL: I have marked as
[6] Plaintiff's Exhibit 37 and 38 — let me
[7] start with Exhibit 37, is the amended
[8] summons and first amended complaint against
[9] Medallion. And Exhibit 38 is the amended
[10] summons and the first amended complaint
[11] with respect to Mr. Voronchenko. I'm
[12] handing those to the witness.
[13] Q: And I would ask Mr. Voronchenko,
[14] have you ever seen those documents before?
[15] A: Which one?
[16] Q: Either Exhibit 37 or 38?
[17] MR. ISRAEL: Are these the amended
[18] pleadings?
[19] MR. MANDEL: Yes.
[20] MR. ISRAEL: He hasn't. I can tell
[21] you, he hasn't because I haven't shown them
[22] to him.
[23] MR. MANDEL: Okay.
[24] A: I never — I never seen it.
[25] MR. ISRAEL: You've never seen this.

[1] **V. Voronchenko** Page 114
[2] today, did you give any other designs or books to
[3] Triarch?
[4] A: I gave them a lot of — a lot of
[5] magazines and designs and reasons I explained for
[6] them a hundred hours, you know, to explain them
[7] and to — to do with them this start — started
[8] drawings what they did.
[9] Do you see, 6/02/08, it was in
[10] Europe, it's opposite you know. First one is—
[11] this is the day, not month. 6th of —
[12] Q: February?
[13] A: — February. Yes. And every page
[14] you have 14, 14th of February, you know. 10
[15] months before when I started — or nine months
[16] before.
[17] Q: Okay. Thank you.
[18] MR. MANDEL: Now I'm going to hand
[19] Exhibit 36 to the witness, but Exhibit 36
[20] is a letter signed by Mr. Israel this
[21] morning saying, "I hereby agree to accept
[22] service on behalf of Vladimir Voronchenko
[23] and Medallion, Inc. as of today's date."
[24] And I would just ask Mr. Israel to confirm,
[25] on the record, that he's accepting service

[1] **V. Voronchenko** Page 116
[2] A: I never seen this and never read
[3] this.
[4] Q: And I'm going to give you,
[5] Mr. Voronchenko, another copy of each of them, so
[6] that you have them, since no one has given them
[7] to you before. These are your copies to take
[8] today. Those are copies of Exhibits 37 and 38.
[9] A: What is?
[10] MR. ISRAEL: Give it to me.
[11] A: What is Exhibits 37?
[12] MR. ISRAEL: I will explain this to
[13] you later.
[14] I got them. They're received.
[15] THE WITNESS: I need to read these
[16] or what?
[17] MR. ISRAEL: We'll talk about it
[18] later.
[19] Q: I just want to know if you've ever
[20] seen it before.
[21] A: Never.
[22] (Plaintiff's Exhibit 39, document
[23] bearing Bates numbers MED 15 - MED 24,
[24] marked for identification.)
[25] MR. McKEE: Plaintiff's 39?

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[1] **V. Voronchenko**

[2] **MR. MANDEL:** Plaintiffs 39 appears

[3] to be a contract or draft contract that

[4] begins on page Bates number page MED 15 and

[5] continues through Bates number page MED 24.

[6] Do you recognize this document.

[7] **Q:** Do you recognize this document,

[8] Mr. Voronchenko?

[9] **A:** What is this? I don't understand.

[10] **MR. ISRAEL:** He's asking you whether

[11] you recognize this document, whether you've

[12] seen it before. You may have seen it

[13] before or you may not have seen it before.

[14] I want to know —

[15] **A:** He wants to know — I never saw it

[16] before.

[17] **Q:** Have you ever heard of Jendretzki?

[18] **A:** Jendretzki?

[19] **Q:** Yes.

[20] **A:** Personally, no.

[21] **Q:** Did you ever have a conversation

[22] with Jendretzki about them performing services in

[23] connection with the apartment?

[24] **A:** Listen, it's ask about this

[25] Libracon, because you — you started to put me

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[1] **V. Voronchenko**

[2] **Q:** Mr. Voronchenko?

[3] **A:** What is it? What is this?

[4] **MR. ISRAEL:** Let him ask you the

[5] questions.

[6] **Q:** Mr. Voronchenko, I understand that

[7] you're not going to remember everything because

[8] some of these events happened before. I've got

[9] to ask you what do you remember. And your

[10] obligation is just to say what you remember.

[11] Obviously no one's memory is perfect.

[12] **MR. MANDEL:** Let's move on to the

[13] next document.

[14] **MR. ISRAEL:** It looks like this is

[15] printed poorly. It might be that he

[16] came — sometimes my printer is screwed up

[17] like this with the blocks on it, I might

[18] have — I hadn't noticed this before, I

[19] might have a better version because my

[20] computer sometimes makes — prints badly

[21] like this. If I have a better one, I'll

[22] print it out for you.

[23] **MR. MANDEL:** Okay. Thank you.

[24] **Q:** As I understood, this guy made

[25] changes in architectural — architectural changes

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[1] **V. Voronchenko**

[2] inside, involved. I am not inside. I am not

[3] involved. Sorry about that. You know I am not

[4] completely involved and I — I don't talk to — I

[5] am not talking to — I didn't talk to — to these

[6] people.

[7] **Q:** You never spoke to Jendretzki?

[8] **A:** Listen, maybe I forgot. I forgot

[9] even the name of the —

[10] **MR. ISRAEL:** Libracon?

[11] **THE WITNESS:** Not Libracon.

[12] **MR. McKEE:** Garth?

[13] **MR. ISRAEL:** Garth?

[14] **THE WITNESS:** Not Garth.

[15] **MR. ISRAEL:** I think he forgot

[16] Libracon first.

[17] **A:** The owner of Triarch.

[18] **Q:** Steve Corelli?

[19] **A:** Steve Corelli, I don't even know his

[20] name. I never heard about his name. You know.

[21] You asked me about Jendretzki.

[22] **Q:** Yes. And, Mr. Voronchenko —

[23] **A:** If you ask me the name of this

[24] Steven, I never tell you I know my — my

[25] ex-designer and —

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[1] **V. Voronchenko**

[2] in the apartment, yes or no?

[3] **MR. ISRAEL:** Don't guess. And I

[4] can't tell you. He can ask you questions,

[5] that is all that is going to go on here.

[6] **A:** Jendretzki.

[7] **MR. ISRAEL:** If you don't know, that

[8] is fine. We'll move on. He says we're

[9] going to move on.

[10] **Q:** I'm going to hand you what has been

[11] marked — I have no more questions about that

[12] document.

[13] **MR. ISRAEL:** Put that one aside for

[14] right now.

[15] **Q:** I'm going to hand you what has been

[16] marked as Defendant's Exhibit 2. That one — let

[17] me give you a different copy. Mr. Voronchenko,

[18] I'm going to give you this copy. I'm not

[19] supposed to show you that one, because that one

[20] is highlighted.

[21] **A:** What do I have to do with this?

[22] **Q:** Does this document look like the

[23] agreement between Medallion and Triarch

[24] concerning the apartment?

[25] **MR. ISRAEL:** I want to note for the

[1] **V. Voronchenko**
[2] record — you can ask that question but I
[3] want to note for the record that it
[4] purports to be signed, by electronic
[5] signature, "Garry Braderman, Managing
[6] Director."
[7] **THE WITNESS:** What is that?
[8] **MR. ISRAEL:** An electronic stamp it
[9] has and not from Mr. Voronchenko.
[10] You can answer his question.
[11] **A:** What is this? This is our contract
[12] between — what is AIA? What is it?
[13] **Q:** I think that is Association of
[14] Architects.
[15] Have you ever seen this document
[16] before?
[17] **A:** No. Never.
[18] **Q:** Before, were you involved at all in
[19] the negotiation of the contract between Medallion
[20] and Triarch?
[21] **MR. ISRAEL:** Objection.
[22] **A:** No. No.
[23] **Q:** Do you have any recollection of
[24] discussing any terms that were potential or
[25] actual terms in the contract between Medallion

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[1] **V. Voronchenko**
[2] have to pay. You know —
[3] **THE WITNESS:** Am I right? Am I
[4] right, you know?
[5] **MR. ISRAEL:** I'm not answering your
[6] questions. We're not having a discussion
[7] right now. He's asking you questions. We
[8] can discuss it later on. Just answer his
[9] questions.
[10] **Q:** Mr. Voronchenko, did anyone —
[11] **MR. MANDEL:** Withdrawn.
[12] **Q:** Mr. Voronchenko, did you ever
[13] provide Triarch with a budget for this project?
[14] **A:** Did — listen, it's not working like
[15] this. It's — I am — first of all, I am looking
[16] to hear the proposition, you know, I don't even
[17] want to talk about this first beginning. First
[18] of all I want to have a final product, and the
[19] price of final product how I make decision. I
[20] ask everybody if — if I am not in a strong
[21] business, for example, for business, I know
[22] always — always the place, you know — not
[23] place, it's always — I know the total amount
[24] what I want to spend in business. Not business,
[25] it's not like this.

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[1] **V. Voronchenko**
[2] and Triarch?
[3] **A:** I don't remember. I was not
[4] involved in additional stuff. Technical stuff.
[5] **Q:** Did you ever provide Triarch with a
[6] budget for the project?
[7] **A:** Do you see even —
[8] **MR. ISRAEL:** Just answer his
[9] questions.
[10] **A:** For me it's interesting, for me —
[11] **MR. ISRAEL:** Just answer his
[12] questions. It could be interesting, answer
[13] his questions.
[14] **Q:** What do you find interesting,
[15] Mr. Voronchenko?
[16] **A:** Well, I thinking, you see the 15
[17] percent schematic design fast — phase, phase.
[18] Yes?
[19] **Q:** Phase, yes?
[20] **A:** Phase. Design development phase,
[21] schematic design phase, it has to be full for all
[22] apartment. Schematic design, after this I have
[23] to pay 15 percent. Even today I don't have full,
[24] whole design phase. This is a very — very
[25] important things for everybody. Do you see how I

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[1] **V. Voronchenko**
[2] I always ask, please, do me nice.
[3] What do you mean nice, I explain what I mean
[4] nice. This, this, this, this, and this.
[5] You have to make me all, when I sign the final
[6] decision, yes or not. Never like part job like
[7] this. I ask always, okay, give me final plan,
[8] final, final, final. When I see the final plan,
[9] everything I accepted, you know, I accept it, I
[10] ask, okay, tell me, how much it cost just to
[11] build.
[12] People have to calculate one
[13] bathroom 1,000, another bathroom 2,000, another
[14] room 3,000, this, this, this, 10 rooms, 10,000,
[15] for example, you know.
[16] Give me an idea about the electronic
[17] devices, about lights, about furniture, about
[18] tracks, about pillows, about vases, about
[19] candles, about this, give me that.
[20] As usual, they tell you oh, it's
[21] very difficult, because it's piece by piece.
[22] Okay give me plus/minus 25 percent.
[23] **Q:** A range?
[24] **A:** Because you know the market, I know
[25] the market, you know. I need the — not antique

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V. Voronchenko

[1] pieces, everybody knows how much cost sofa, for
[2] example top quality, everybody know how much
[3] cost. Okay. They — they gave me — they have
[4] to give me the idea of the price of the design
[5] and decoration, how much cost that, they have to
[6] propose me the draperies, with motors — no
[7] motors because I didn't have from them any ideas
[8] about the draperies. All my draperies with the
[9] motors it's blah-blah-blah-blah-blah. After
[10] this —

[11] Q: So —

[12] A: Can I continue? You asked me.

[13] After this, when I see the final
[14] amount for architectural builder plus final
[15] amount for electronic devices and furniture and
[16] all decoration items, I see the final price,
[17] after this I can tell, okay, acceptable, or,
[18] sorry, you know, it's too much, I am looking for
[19] little bit lower price, what can we do? What can
[20] we do? We have marble around the wall, take out
[21] the marble, all the marble, no marble on the
[22] walls. We have — you understand what I mean?

[23] Q: I understand. I understand how much
[24] was spent.

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V. Voronchenko

[1] A: We have like the doors like this,
[2] okay, make me simple doors, you know.
[3] Q: How much was spent renovating and
[4] decorating the apartment?
[5] A: I need to calculate it. I don't
[6] know.

[7] Q: Do you know a range?

[8] A: I — I am not pay for this.

[9] Q: Who would know the answer to that
[10] question?

[11] A: Medallion.

[12] Q: Would Mr. Braderman know the answer?

[13] A: I think no, because Mr. Braderman
[14] stop to do this project three years ago.

[15] Q: He stopped working on this project
[16] three years ago?

[17] A: He — no, no, no, he stopped working
[18] the project three years ago.

[19] Q: Why did he stop working on the
[20] project?

[21] A: Because he helped me like a rent, he
[22] had another job and he didn't have a time to do
[23] this.

[24] Q: Who helped you after Mr. Braderman

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V. Voronchenko

[1] stopped helping you?
[2] A: Libracon.
[3] Q: So who, at Medallion, would know how
[4] much the total cost of the renovation is?
[5] A: I can try to find this numbers.
[6] Q: Okay. Was it more than a million
[7] dollars?
[8] A: I think around.
[9] Q: So you just described earlier this
[10] process is for discussing the budget, which was
[11] very helpful for me. Am I correct in
[12] understanding then that you never received what
[13] you understood to be final drawings from Triarch,
[14] that you never discussed the project with
[15] Triarch?
[16] A: No, I saw this, what you showed me,
[17] I saw this.
[18] Q: Did you ever discuss the budget with
[19] Triarch?
[20] A: Not before. We are talking about
[21] budget, when we finish the — the whole design,
[22] after this I understand, I don't — I never want
[23] to — to keep the people. I want to make the
[24] design beautiful, but if the money is too high, I

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V. Voronchenko

[1] mean the amount of — I started to cut to — to
[2] cut the —
[3] Q: Right.
[4] A: — to cut the project.
[5] Q: Did you ever get to that process,
[6] that point in the process with Triarch?
[7] A: We never got —
[8] MR. ISRAEL: Let him finish the
[9] question.
[10] Q: Did you ever get to the point in the
[11] design process where you talked about budget with
[12] Triarch?
[13] A: Sorry, again?
[14] Q: Sure. Did you ever get to the point
[15] in the process with Triarch where you talked
[16] about budget?
[17] A: We never really spoke about the
[18] final design, because they did what they want.
[19] Q: I understand. I'm just asking about
[20] the budget right now.
[21] A: As I explain you, as I explain you,
[22] I started to talk about the budget when I see the
[23] full design.
[24] Q: You made that very clear. You made

[1] **V. Voronchenko**
[2] that very clear.
[3] A: Yes.
[4] Q: Here is the way we're not really
[5] connecting, your answers are not really
[6] responding to my questions and I don't want to
[7] keep you here longer than is necessary today, so
[8] I'm going to ask a very specific question.
[9] A: We have five hours more.
[10] Q: We have a lot more. I don't want to
[11] waste your time. I want to go through it as
[12] quickly as possible, and very specifically. You
[13] made — your process, I totally understand. I
[14] listened to what you were saying, I totally
[15] understand about the process.
[16] My question is: Did you and Triarch
[17] ever discuss budget?
[18] A: I don't remember.
[19] Q: Okay.
[20] A: I don't remember. It's — you know,
[21] it's — in that time we are friends, you know.
[22] And they definitely — they asked me for what
[23] amount you're looking. My typical answer for
[24] this listen, let's finish the — let's finish
[25] the —

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[1] **V. Voronchenko**
[2] design, that designs — if a design costs \$10
[3] million but the client only wants to spend \$1
[4] million, and then the designer wastes a lot of
[5] time.
[6] A: I understand. As usual I want to
[7] see the best, what I can have no limit. As
[8] usual. You know. After this, if the amount is
[9] crazy, I start — I start — I start to cut, this
[10] is my typical decision. I don't want to ever
[11] tell designer you have to do for hundred thousand
[12] dollars for — because for the hundred thousand
[13] dollars he will create me like a shit, no. But
[14] do what you want.
[15] This is — I — more or less I
[16] understand what he can spend, because there not
[17] antique furniture, not antique walls and not
[18] antique doors. And in this condition — in this
[19] situation, you know, limit, you know, only
[20] — only see limit base — you can buy the chair
[21] for \$20,000, but you can buy the chairs with 2
[22] million per chair, you know. But if you are
[23] looking to buy the typical today furniture, it's
[24] more or less I understand I have the feeling of
[25] what it is.

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[1] **V. Voronchenko**
[2] Q: Design?
[3] A: — design. If design is beautiful,
[4] I will talk to people who pay for this, you know,
[5] and I'll recommend them to take this design, if
[6] the amount is not so crazy. But let's see the
[7] finish. Let's see where we are.
[8] Q: Yes.
[9] A: And know.
[10] Q: Is there a problem with your
[11] approach of waiting until you have a final design
[12] to discuss budget —
[13] MR. ISRAEL: Objection.
[14] Q: — in that —
[15] MR. ISRAEL: Sorry.
[16] Q: — a designer could spend a whole
[17] lot of time creating a design that is more
[18] expensive than the client wanted to pay?
[19] MR. ISRAEL: Objection.
[20] You can answer.
[21] A: Could you start again?
[22] Q: Sure. Of course. It was a
[23] complicated question.
[24] If you wait until the design is
[25] final to start talking about a budget, if a

[1] **V. Voronchenko**
[2] Q: There were a number of things that
[3] you said you did not like about Triarch's work on
[4] this project. And was the budget one of the
[5] things that you didn't like about Triarch's work?
[6] Did you think that Triarch was preparing a design
[7] that was too expensive?
[8] A: We didn't talk about this. It's
[9] impossible to talk, because before a
[10] time — final drawings, it's how can you talk
[11] about this? Can build every bathroom with 2,000,
[12] you can build a bathroom with 100,000, you know,
[13] it's — it depends. The most expensive things is
[14] always the bathroom, more expensive
[15] than — than — than the room. Because bathroom
[16] is always marble, or something like this,
[17] everything is very expensive.
[18] Q: With respect to the agreement
[19] between Triarch and Medallion, if Medallion
[20] terminated that agreement, did Medallion have a
[21] right to continue using the document, the images
[22] and drawings?
[23] A: No idea.
[24] MR. ISRAEL: Just note my objection
[25] as calls for a legal conclusion or

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[1] **V. Voronchenko**
[2] interpretation.
[3] **MR. MANDEL:** Sure.
[4] **A:** No idea. Show me the contract and
[5] I'll tell you.
[6] **MR. ISRAEL:** You don't have to — it
[7] calls for a legal interpretation.
[8] **Q:** In Defendant's Exhibit 2, I'm going
[9] to turn your attention to use of documents,
[10] Article 3. Use of documents. And throughout
[11] today you should take as much time as you want to
[12] read the document that I show you. But I'm going
[13] to read to you one portion of the —
[14] **A:** I need to translate this. This
[15] is — for me it's difficult.
[16] **Q:** It's difficult for you to
[17] understand?
[18] **A:** I need to translate, after this I
[19] can talk about it.
[20] **Q:** Okay. So did you ever consult
[21] anyone — did you ever have any conversation
[22] about anybody of whether you or Medallion has a
[23] right to use any of the materials that Triarch
[24] gave you after you terminated, after Medallion
[25] terminated Triarch?

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[1] **V. Voronchenko**
[2] type of leather. I want this type of wood. You
[3] remember, please, write down, this type of wood.
[4] I want this marble, the name of this marble is my
[5] idea, it is my idea, not Triarch's idea. Sorry
[6] about that. All the suede, all the marble, all
[7] the wood, my choice and my idea.
[8] **Q:** Okay.
[9] **A:** You know, all the wood is my idea,
[10] completely all the wood, all the material is
[11] plywood, not Triarch wood.
[12] **Q:** Okay.
[13] **A:** Not even connected with Triarch.
[14] **Q:** Okay. I'm going to ask the same
[15] question again.
[16] **A:** Sorry, I told him but it is the
[17] truth. They used my material, not I used their
[18] material.
[19] **Q:** But let me just ask this question,
[20] did you ever — it's a simple yes or no.
[21] **A:** I do build this the same object like
[22] this, maybe 200 —
[23] **MR. ISRAEL:** It's a fruitless
[24] question, it calls for a legal conclusion.
[25] **MR. MANDEL:** It's a yes-or-no

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[1] **V. Voronchenko**
[2] **MR. ISRAEL:** Don't — hang on a
[3] minute. Don't disclose any communication
[4] you had with a lawyer. So in the response
[5] you're going to give whether you talked
[6] about that with anyone, you should not
[7] refer to any conversations that you had
[8] with me or with any other lawyer regarding
[9] that question.
[10] **Q:** Let's actually just make this, to be
[11] superprotective of the attorney-client, let's
[12] make it a yes-or-no question.
[13] **A:** Could you ask it again?
[14] **Q:** Of course. It's a yes-or-no
[15] question. Did you talk to anybody —
[16] **A:** Yes.
[17] **Q:** — about whether you could keep
[18] using materials Triarch gave you after Triarch
[19] was terminated?
[20] **A:** Listen, it's not Triarch decision,
[21] it was — first of all, it was my decision,
[22] I — I keep all the materials, it was my choice,
[23] not Triarch choice. Sorry about that. It is my
[24] idea, not Triarch's idea. You know, I told him I
[25] want the leather this color, this color, this

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[1] **V. Voronchenko**
[2] question about whether he had a
[3] conversation, what is the legal conclusion?
[4] **A:** Listen, I build it, I build it like
[5] this project maybe hundred to 150 projects like
[6] this.
[7] **MR. ISRAEL:** He's not going to
[8] understand what you're asking.
[9] **A:** For business, you know, I know every
[10] piece of material, every piece of fabric, every
[11] piece of wood, you know, better than they know,
[12] much better than Triarch knows.
[13] **Q:** Were you the one who decided to
[14] terminate the Triarch contract?
[15] **A:** When I decide?
[16] **Q:** Someone decided to terminate the
[17] contract with Triarch, correct?
[18] **A:** Somebody.
[19] **Q:** Yes.
[20] **A:** Yes.
[21] **Q:** Were you that person?
[22] **A:** I think I made final decision.
[23] **Q:** And —
[24] **A:** You know why, because — I can
[25] explain why. Because people told me no answer,

[1] **V. Voronchenko**
[2] no answer. We send the letter, no answer. We
[3] send the letter, we send the letter, no answer.
[4] Slowly, slowly, slowly. It's impossible to work,
[5] very slow. Okay. Very slow send the letter stop
[6] to work and this is it.
[7] **MR. ISRAEL:** He just wants to know
[8] if you know who made the decision to no
[9] longer use Triarch in working on the
[10] renovations of the apartment. He wants to
[11] know if you know who made that decision,
[12] that is what his question is.
[13] **A:** It was mutual decision, people
[14] who — who was involved in this project, you
[15] know, because, for example, it was very difficult
[16] to work with them, it was very slow.
[17] **Q:** When you say it was a mutual
[18] decision, was it made by you and Medallion?
[19] **A:** No, no. I mean the people who was
[20] involved in this. They are recommended to stop
[21] to work with Medallion — with Triarch.
[22] **Q:** You mean Steven's father-in-law,
[23] Mr. Kaufman?
[24] **A:** Not Steven. Libracon.
[25] **Q:** And Libracon decided to stop working

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[1] **V. Voronchenko**
[2] you know. And they — because, you know, when
[3] everything is too late, late, late, late,
[4] it's — I know it's misunderstanding between two
[5] companies, Libracon and Triarch. And plus, you
[6] know, couple of months I told him, please don't
[7] touch them, don't touch them, because this is
[8] kids of my friend, you know, don't touch them,
[9] kids of my friend, okay, I understand, this is
[10] not convenient for you, this is not correct but
[11] this is kids of my — of my friends. For me
[12] it's — it's not comfortable, you know, to do
[13] this, but when he started to this stage and
[14] daughter of my friend, no more obligation.
[15] **MR. ISRAEL:** He answered your
[16] question, right?
[17] **A:** Before my —
[18] **MR. ISRAEL:** You answered his
[19] question. It's okay. You answered his
[20] question.
[21] **A:** Sorry.
[22] **Q:** Yeah. And I understand English is
[23] not your first language, and that is fine, but if
[24] you could just try and focus on exactly what I'm
[25] asking, I think this will go a little more

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[1] **V. Voronchenko**
[2] with Triarch?
[3] **MR. ISRAEL:** That is not what he
[4] said.
[5] **MR. MANDEL:** I do not understand
[6] what he's saying, I am trying to
[7] understand, if you would like to translate,
[8] give it a go-ahead.
[9] **MR. ISRAEL:** Can I give it a shot?
[10] **MR. MANDEL:** Yes.
[11] **MR. ISRAEL:** He wants to know if it
[12] was a mutual decision, not whether Triarch
[13] was involved in the decision. He wants to
[14] know who made the decision to no longer
[15] work with Triarch on the Medallion end of
[16] the arrangement.
[17] **A:** Libracon recommended to me many
[18] times to stop to work with Triarch, many times.
[19] **Q:** Why did Libracon make that
[20] recommendation?
[21] **A:** Because very slow — very, very
[22] slow, and they don't understand what we need.
[23] Because finally, Libracon's proposition was, I
[24] think, better than Triarch's proposition, as they
[25] saw the — the — the paper — the proposition,

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[1] **V. Voronchenko**
[2] quickly.
[3] Did you have any understanding as to
[4] when Medallion had the right to terminate its
[5] contract with Triarch?
[6] **MR. ISRAEL:** Calls for a legal
[7] conclusion.
[8] You can answer.
[9] **A:** I did understand —
[10] **MR. ISRAEL:** He's asking you when
[11] you knew that Medallion had the legal
[12] right, when Medallion had the legal right
[13] to terminate its contract with Triarch,
[14] this is what he's asking, right?
[15] **MR. MANDEL:** Yes. Exactly. Thank
[16] you.
[17] **MR. ISRAEL:** If you know that. You
[18] may not know. You may know it. If you
[19] know, that is what he wants to know.
[20] **A:** The question is it's impossible to
[21] stop to work between two companies?
[22] **Q:** Do you understand that Triarch and
[23] Medallion had a contract, right?
[24] **A:** Of course.
[25] **Q:** I think I may be wrong, but I think

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[1] **V. Voronchenko**
[2] you testified you never saw the contract, you
[3] can't recall? Maybe?
[4] **A:** I don't remember.
[5] **Q:** So I'm wondering whether you have
[6] any understanding as to when Medallion could, if
[7] it wanted to, terminate the contract?
[8] **MR. ISRAEL:** Calls for a legal
[9] conclusion. If you understand, you can
[10] answer.
[11] **A:** Medallion wanted to stop to work
[12] with Triarch in the end of 2008, because the
[13] process was too long, and Medallion was not very
[14] excited with this process. And they recommended
[15] me to stop in November or in December, something
[16] like this. But I don't remember where we — when
[17] we stopped really, in 2009, right?
[18] **MR. ISRAEL:** I don't answer the
[19] questions. You answer the questions.
[20] **A:** Did we stop in 2009.
[21] **MR. ISRAEL:** I think you did the
[22] best you can to answer the question.
[23] **MR. MANDEL:** Yes. I don't think he
[24] answered the question. I think he's
[25] building up to it. I don't know.

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[1] **V. Voronchenko**
[2] **Q:** Sure. Triarch and Medallion had a
[3] contract?
[4] **A:** Yes. Okay.
[5] **Q:** Did you understand that under that
[6] contract there was a fee that Medallion was
[7] supposed to pay Triarch?
[8] **A:** Yes, of course. It's under
[9] the — as I saw in the contract, it's some
[10] portion during the — during the fees, some job,
[11] job, job, job, job, portion, portion, portion.
[12] **Q:** Did you negotiate Triarch's fee with
[13] Steven or with anyone else at Triarch?
[14] **A:** Not me.
[15] **Q:** Do you know if anyone else
[16] negotiated the fee that medallion was going to
[17] pay to Triarch?
[18] **A:** Somebody negotiate with them, I
[19] think definitely.
[20] **Q:** You don't know who that was?
[21] **A:** Not me. It's — it was the
[22] best — the best picture of this percentage was
[23] what we saw in this. As I understand, we paid
[24] first portion and second portion. You know, it's
[25] exactly for this job what they — what they did,

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[1] **V. Voronchenko**
[2] **MR. ISRAEL:** I don't think so.
[3] **A:** We stopped to work with them in
[4] which year? In which year?
[5] **Q:** In 2009, early 2009?
[6] **A:** In 2009.
[7] **Q:** All right. And do you have an
[8] understanding as to how much Triarch was to be
[9] paid for its work on the project?
[10] **A:** How much Triarch —
[11] **Q:** Was to be paid for its work on the
[12] project?
[13] **MR. ISRAEL:** If it did all of its
[14] work and there was no issue about the
[15] quality.
[16] **Q:** He can answer however he wants.
[17] **MR. ISRAEL:** I want to make sure he
[18] understands it and understand it.
[19] **A:** How much Triarch paid for this
[20] project?
[21] **Q:** How much — do you understand what
[22] Triarch's fee was for this project?
[23] **A:** How I understand how much cost this
[24] job before I stopped to work with them? I don't
[25] understand.

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[1] **V. Voronchenko**
[2] even more.
[3] **Q:** Okay.
[4] **A:** Even more, because — even first
[5] step they had — they must to show us full
[6] project, not just part of the project, and we
[7] have to pay it first step. They didn't do this.
[8] **Q:** Was the first step the schematic
[9] design phase?
[10] **A:** Yes. Design phase for whole
[11] apartment, not for part of the apartment.
[12] **Q:** Did they complete the schematic
[13] design phase?
[14] **A:** Complete it, I never saw this.
[15] **Q:** So —
[16] **A:** I saw what you showed me.
[17] **Q:** Okay.
[18] **A:** That's it.
[19] **Q:** Why don't we turn — why don't we
[20] turn to the third page of Exhibit 2. These are
[21] the phases.
[22] **A:** Yes.
[23] **Q:** And above the phases it says Article
[24] 6, payments and compensation.
[25] **A:** Which one?

[1] **V. Voronchenko**
[2] Q: Article 6, payments and
[3] compensation?
[4] A: Yes.
[5] Q: It says, "The architect's
[6] compensation shall be 17 percent of the
[7] construction cost," do you see that?
[8] A: Show me the 17 percent?
[9] Q: Here.
[10] A: Yes. 17 percent of the construction
[11] cost.
[12] Q: Okay. Do you speak English better
[13] than you read and write it? Do you have more
[14] experience speaking English than reading and
[15] writing it?
[16] A: The same.
[17] Q: The same. Okay. So scrolling down
[18] to here, you know, progress payments. This is
[19] the part you were pointing to earlier in your
[20] testimony?
[21] A: Yes.
[22] Q: Schematic design phase?
[23] A: 15 percent.
[24] Q: Did Triarch complete the schematic
[25] design phase?

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[1] **V. Voronchenko**
[2] Q: But not construction documents?
[3] A: I think no.
[4] Q: Turning your attention to the next
[5] phase how far did they get in the design
[6] development phase?
[7] A: How far?
[8] Q: In other words, I'm just asking you,
[9] do you see how there are different phases
[10] here —
[11] MR. MANDEL: And the record should
[12] reflect that Mr. Bhandari, my partner, has
[13] just stepped into the room.
[14] THE WITNESS: Hi.
[15] MR. BHANDARI: Hi, how are you? Let
[16] me pull up another chair. I'll be here for
[17] a couple of minutes.
[18] Q: Do you have an understanding? The
[19] first phase here is schematic design phase and
[20] then the second phase is design development
[21] phase, do you have any understanding?
[22] A: What is design development phase?
[23] Q: That was my question to you, do you
[24] have any understanding of what that term means?
[25] A: Hmm-hmm.

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[1] **V. Voronchenko**
[2] MR. ISRAEL: Asked and answered.
[3] A: Of course not, of course not.
[4] Q: Did Triarch begin the schematic
[5] design phase?
[6] A: Begin, yes.
[7] Q: How far would you say they got in
[8] the schematic design phase?
[9] A: How far?
[10] Q: They didn't get a hundred percent of
[11] it done, did they get 50 percent, 10 percent, 90
[12] percent?
[13] A: I didn't calculate this. But I
[14] looking — I have to pay 15 percent when they
[15] showed me full design phase. Why I have to talk
[16] about the — how many percent? Full design cost
[17] 15 percent. Full design, that is it, you know.
[18] Why we have to talk about —
[19] Q: Okay.
[20] A: — about 10 or 20 or 30 or 37-1/2.
[21] Q: And I think you testified on this
[22] earlier, but I just want to be clear. When you
[23] say the full design is handed to you, you mean
[24] images but not construction documents, correct?
[25] A: Images, yes. Images.

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[1] **V. Voronchenko**
[2] Q: And construction development phase,
[3] do you have any understanding of what that term
[4] means?
[5] A: Construction, it's — of course this
[6] I understand, the apartment has to be fully
[7] finished constructed.
[8] Q: That would be the construction
[9] phase, right, that would be the last phase,
[10] right?
[11] A: No, no, no, no, no, no, no, no,
[12] no. What is building, and bidding and
[13] negotiation?
[14] Q: I can't answer the questions today
[15] unfortunately, if so we might be able to go more
[16] quickly.
[17] MR. ISRAEL: You're going to have
[18] Garry Braderman.
[19] MR. MANDEL: Is he going to cover
[20] these issues?
[21] A: Garry is not professional builder,
[22] you know, he doesn't know about this, anything.
[23] Garry — Garry is my friend who tried to help me
[24] when he had free time, you know. And that's it.
[25] Let's start with the first point,

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V. Voronchenko

[1] schematic design phase. Schematic design phase
[2] — phase, it means — it means full apartment,
[3] all the rooms, all the details. Schematic, not
[4] in detail but schematic, but 100 percent. If I
[5] see this, schematic design phase, I have to pay
[6] 15 percent. I never saw 100 percent design,
[7] schematic design for whole apartment. And you
[8] can show me this.

[9] Q: Okay —

[10] A: I think I paid too much for them.

[11] Q: Do you have any understanding as to
[12] what the design development phase is?

[13] A: Listen, let's talk about this first
[14] one.

[15] Q: Well, I want to move on to the
[16] second one.

[17] A: For what do you need to talk about
[18] the second one if you — you can show me or I can
[19] see the full first point, schematic design phase?
[20] You know, I have to understand I spend money for
[21] nothing or I — I paid, really. The first point
[22] you need to show me — not you, but Triarch has
[23] to show me full schematic design phase.

[24] Q: Okay.

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V. Voronchenko

[1] the customer likes this or don't like this, he
[2] wants to change or he wants to change part of
[3] this or 10 percent of this plan or 90 percent of
[4] this plan, this is the most — the most important
[5] things.

[6] Or another technical — technical

[7] reasons, it's not — owner is not involved in
[8] this — in other point, yeah, never, because
[9] owner doesn't understand things on blueprints,
[10] drawings, or doesn't understand quality of the
[11] wall or something like this. It's nobody from
[12] the owner involved in this process. The owner is
[13] always involved in only first point.

[14] When I see the beautiful design, the
[15] whole apartment, everything is okay, furniture
[16] okay, lights on, draperies okay, design of all
[17] rooms is okay, and this okay. Only after this
[18] people can move to another — to another points,
[19] not before, not before.

[20] MR. MANDEL: I have no more

[21] questions about Exhibit 2.

[22] MR. ISRAEL: It's like 5 to 1:00,

[23] just giving you a heads-up, considering we

[24] were going to take a break at 1:00.

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V. Voronchenko

[1] A: Never, never, never showed me this
[2] one. I don't want to even talk about later,
[3] later one.

[4] Q: I understand. But do you have any
[5] understanding of what has to happen in the design
[6] development phase?

[7] A: Design development phase. Not
[8] really, not really. Not really.

[9] Q: Is it your understanding —

[10] A: I understand very well about the
[11] schematic design phase, because there it is very
[12] important for the — for the company who order
[13] this — this design, because, first of all, to
[14] show to the owner of the apartment, and this is
[15] the most important thing, schematic design phase,
[16] if you as the owner of the apartment, company or
[17] something — somebody personally, okay, you know,
[18] and it's exceptional — accepted for the person
[19] or for the company, okay, this deal was done, you
[20] know. After this, oh, another this goes
[21] automatically. Automatically it's somebody call
[22] to bookkeeper, we finish this part, pay us, we
[23] finish that part, pay us. The most important
[24] thing is first — first one, when is the — when

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V. Voronchenko

[1] the customer likes this or don't like this, he
[2] wants to change or he wants to change part of
[3] this or 10 percent of this plan or 90 percent of
[4] this plan, this is the most — the most important
[5] things.

[6] Or another technical — technical

[7] reasons, it's not — owner is not involved in
[8] this — in other point, yeah, never, because
[9] owner doesn't understand things on blueprints,
[10] drawings, or doesn't understand quality of the
[11] wall or something like this. It's nobody from
[12] the owner involved in this process. The owner is
[13] always involved in only first point.

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[15] whole apartment, everything is okay, furniture
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[18] people can move to another — to another points,
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[21] questions about Exhibit 2.

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[23] just giving you a heads-up, considering we

[24] were going to take a break at 1:00.

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V. Voronchenko

[1] MR. MANDEL: Let me see if we can
[2] get a few more questions, since this is
[3] what we're dealing with here.

[4] Q: Was there a goal to get the Italian
[5] factory to begin production at some point in
[6] time?

[7] A: When we worked with Triarch, they
[8] didn't start to do anything.

[9] Q: I'm not asking what happened. I'm
[10] asking was there a plan or a goal or objective or
[11] a desire or a want to get the Italian factory to
[12] start producing the materials by a date certain?

[13] A: They can't start to produce anything
[14] without finish of this first point, to accept —
[15] accept full plan and full decoration, no, they
[16] can't do — start to do anything, you know,
[17] because they need to understand full of the
[18] project, full material for what was going on.
[19] After I fixed this, when I accepted this, when I
[20] accepted this whole project, I — after this, we
[21] can move to Italian company.

[22] MR. ISRAEL: You know from the
[23] testimony — you know from the exhibits
[24] that — from the documents that Garry will

[1] **V. Voronchenko**
[2] have the information on this area, I'm just
[3] saying that because this is an area where
[4] you might be better just asking him.
[5] **MR. MANDEL:** Okay.
[6] **Q:** Do you recall having any discussion
[7] whatsoever with Triarch about a specific deadline
[8] when the Italian factory would begin their work?
[9] **A:** I never talked about this because we
[10] didn't finish first drawings. There was no
[11] reason to talk about this Italian factory for the
[12] begin, we must finish with the whole project.
[13] After this, this is the next step. All —
[14] listen, all job of Libracon, it is job of Triarch
[15] by the way. Libracon, this Italian company,
[16] Libracon contact this Italian company. But as
[17] you see, the contract, if you check the contract,
[18] it was obligation of Triarch to find somebody who
[19] will produce or — 100 percent obligation from
[20] Triarch. It's not — it's not question of
[21] Italian — Italian factory. Libracon has to show
[22] me another factory in America, it is their
[23] obligation, why we are talking about Italian
[24] factory? Italian factory was idea — Libracon's
[25] idea, not connected with Triarch, absolutely.

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[1] **V. Voronchenko**
[2] money for transportation, more money job, in
[3] Italian cost more than United States. Prices in
[4] Italy more than United States.
[5] First, of course, I looked to find
[6] for this apartment another company who can build
[7] this, a local company we can visit three times a
[8] day the apartment to see — to try to change
[9] something, you understand, and I looked for not
[10] Italian company. I looked for American company.
[11] **Q:** Did you feel that Triarch's designs
[12] were too art deco and not contemporary enough?
[13] **MR. ISRAEL:** Objection.
[14] **A:** Do I feel that Triarch —
[15] **Q:** That Triarch's designs were too
[16] close to art deco and should have been more
[17] modern and less art deco?
[18] **A:** I feel that they can't work exact in
[19] this style, in this general.
[20] **Q:** In the art deco style, in general?
[21] **A:** In general, because they never did
[22] this before. It was typical, typical New York
[23] designers, and I don't want to say wrong about
[24] New York designers, but they are, you know, more
[25] SoHo style more Village style.

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[1] **V. Voronchenko**
[2] **Q:** Am I correct?
[3] **A:** Libracon has to show me project,
[4] propose me who else build, who will build, who
[5] will make the decoration, who will this, this and
[6] this, with the prices, with proposition. And
[7] after this, we have to make decision who will do
[8] this, Italian factory or maybe New York factory
[9] or maybe Miami factory. It's much more
[10] convenient, you know, to produce all of these
[11] things in New York than in Italy. It's clear,
[12] yes?
[13] **Q:** Am I correct that before Triarch was
[14] hired to work on this project, that a decision
[15] had been made that you would use the Italian
[16] factory; is that correct?
[17] **A:** Italian factory, it was like
[18] a — like a proposition, you know, like just I
[19] don't know these people from — it doesn't matter
[20] who will produce this, all of these things,
[21] American or Italian or French. I don't know who
[22] can — who can give us good — good quality and
[23] good price, better price.
[24] Of course for — I prefer to produce
[25] in United States, definitely yes, because more

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[1] **V. Voronchenko**
[2] **MR. ISRAEL:** Did you say "more
[3] circus style"?

[4] **A:** SoHo. More huge style. More. I
[5] understood they were very far, mentally, from art
[6] deco.
[7] **MR. MANDEL:** Let's take lunch.
[8] (Whereupon, at 12:58 p.m., a
[9] luncheon recess was taken.)
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Page 157

[1] **V. Voronchenko**
[2] AFTERNOON SESSION
[3] 1:40 p.m.
[4] VLADIMIR VORNCHENKO, resumed
[5] the stand and testified further as follows:
[6] **BY MR. MANDEL:**
[7] Q: I've handed you what has been marked
[8] as Defendant's Exhibit 26 and —
[9] A: Just a moment, I want to see
[10] something. This is a letter from Garry Braderman
[11] to Michaela, and Michaela she is a partner in
[12] Triarch, yes?
[13] Q: Yes.
[14] A: Yes. And another — on the —
[15] MR. ISRAEL: He hasn't asked you any
[16] questions yesterday. Just wait until he
[17] asks you questions.
[18] A: Just a moment to show something.
[19] Drawing, again, this is a — my drawing, drawing
[20] of my people, Russian, do you see?
[21] Q: Libracon?
[22] A: Not Libra — I think Libracon, but
[23] you see this is Russian, this is plan of
[24] apartment variance 2. How can I call?
[25] MR. ISRAEL: What was that.

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[1] **V. Voronchenko**
[2] Triarch incorporated anything in this drawing
[3] into Triarch's drawings?
[4] A: This one?
[5] Q: Yes. Do you know if Triarch used
[6] this drawing in any way?
[7] A: I don't know.
[8] Q: And how were you suggesting the
[9] hallway be redone? Let me draw your attention to
[10] the first page. It says, "Vladimir entertains
[11] the idea of redoing the hallway as per the
[12] attached drawing."
[13] A: It was idea of Libracon.
[14] Q: It was Libracon's idea?
[15] A: Yes.
[16] Q: But you liked it.
[17] A: I liked it.
[18] Q: And could you —
[19] A: And I proposed to Triarch to do
[20] this.
[21] Q: Okay.
[22] A: Yeah.
[23] Q: And which hallway were you referring
[24] to, because there are — I see there are — there
[25] are two areas on this drawing that have bubbles

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[1] **V. Voronchenko**
[2] A: There was a lot of work keep people
[3] from Russia, not Libracon.
[4] Q: There were people from Russia who
[5] worked on it other than Libracon?
[6] A: Yeah, Libracon.
[7] Q: Were there Russians working on it
[8] other than the people at Libracon?
[9] A: Of course there is.
[10] Q: Who else?
[11] A: Libracon is a Russian company.
[12] Q: I understand that. And I understand
[13] Libracon did work on the project.
[14] A: Yep.
[15] Q: Was there any other group in Russia
[16] doing work on the project, other than Libracon?
[17] A: No.
[18] Q: So you think Libracon did that
[19] drawing that is attached to Exhibit 26?
[20] A: Libracon prepared the new drawings
[21] and sent these drawings to Triarch, do you see?
[22] Q: Yes.
[23] A: Not Triarch to Libracon, Libracon to
[24] Triarch.
[25] Q: I understand. And do you know if

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[1] **V. Voronchenko**
[2] around them that have — that have sort
[3] of — that are circled.
[4] A: Yes, it's — later we changed this
[5] area too. Later we changed this area too. But
[6] after Triarch, after Triarch, we did this idea of
[7] Libracon.
[8] Q: You used that idea itself?
[9] A: Libracon idea, not Triarch's idea.
[10] Q: I understand.
[11] A: And — and more, because we changed
[12] here, remember, we canceled this.
[13] Q: Right.
[14] A: We canceled this wall and we
[15] canceled here.
[16] Q: So am I right that there is a large
[17] sort of square bubble on the —
[18] A: Yes.
[19] Q: And what is — do you know what
[20] inside this bubble is being changed?
[21] A: No. It's a lot of change, because
[22] before it was — it was — before it was
[23] this — it was hallway, near the elevator, now
[24] you see it's no wall here, like today, you know.
[25] Q: I understand. And how about this

[1] **V. Voronchenko** Page 161
[2] circular bubble here?
[3] A: No. No doors here. This is -- it
[4] was Libracon's idea. Later we did a lot of from
[5] this and plus more. But this is Libracon idea.
[6] Q: Okay.
[7] A: Not Triarch.
[8] MR. ISRAEL: He got it, he
[9] understands.
[10] MR. MANDEL: That is all I have.
[11] Q: Actually, after you sent that, after
[12] that drawing was sent to Triarch, did Triarch
[13] accept this idea, or did they reject it? Do you
[14] remember what they did, how they responded to
[15] this e-mail?
[16] A: Who cares Triarch accepted or
[17] Triarch not accept it?
[18] Q: Well it, may be important to
[19] Triarch, so that is why I'm asking. I just
[20] asked, do you have any recollection of how
[21] Triarch responded to that e-mail?
[22] A: What date? December 1, 2008. You
[23] remember what Triarch showed us in his website.
[24] Triarch showed on his website where he's number
[25] one in this list, 515 apartments, New York, I

[1] **V. Voronchenko** Page 163
[2] conclusion.
[3] A: What do you mean? On the website
[4] you can check it, you will see the drawings --
[5] Q: Right.
[6] A: -- of the apartment.
[7] Q: Do you have an understanding as to
[8] whether Triarch is permitted to put those
[9] drawings on its website?
[10] A: Of course not. They don't have any
[11] permission to do this. It's another potential
[12] case for the court.
[13] Q: Would you feel differently about
[14] this case if Triarch did, in fact, have the
[15] permission to do that?
[16] A: Listen, this is a publicity, you
[17] know. He asked -- he must to ask me about the
[18] permission to put my private residence to their
[19] website. Its absolutely a legal obligation, you
[20] know.
[21] Q: What if this contract, what if the
[22] contract that Triarch or Medallion signed said
[23] that Triarch owned all of the drawings it created
[24] and it can do whatever it wanted with them?
[25] MR. ISRAEL: Calls for a legal

[1] **V. Voronchenko** Page 162
[2] don't know.
[3] Q: You're saying on Triarch's website,
[4] it showed your apartment or the apartment --
[5] A: Yes.
[6] Q: -- that is the subject of this case?
[7] A: Yes, number one.
[8] Q: When did you see it on the website?
[9] A: When did I see it?
[10] Q: Yes.
[11] A: Before yesterday.
[12] Q: Before yesterday, you mean in the
[13] last few days?
[14] A: No, I saw this before and last time
[15] I checked it before yesterday.
[16] Q: And did they have any drawings on
[17] the website?
[18] A: Yes, of course.
[19] Q: Of 515 Park Avenue?
[20] A: Yes, they made mistake.
[21] Q: Are they allowed to have those
[22] drawings on the website?
[23] MR. ISRAEL: Calls for a legal
[24] conclusion. If you know the answer, you
[25] can answer it, but it calls for a legal

[1] **V. Voronchenko** Page 164
[2] conclusion.
[3] Q: Would that change your opinion in
[4] this case anyway?
[5] A: Sorry, again?
[6] Q: What if the contract -- you know
[7] there is a contract between Triarch and
[8] Medallion?
[9] A: Yes.
[10] Q: We discussed it earlier today?
[11] A: Yes.
[12] Q: If that contract said that Triarch
[13] had a right to do whatever it wanted with its
[14] drawings, including drawings of the apartment?
[15] A: Yes. And it was in contract?
[16] Q: Yes. If the contract --
[17] A: I didn't understand. It was in
[18] contract, he wanted to do anything what he want
[19] with the drawings with everything?
[20] Q: Yes. If the contract said that,
[21] would that make you feel differently about this
[22] case?
[23] MR. ISRAEL: Objection.
[24] A: I don't understand, you want to tell
[25] me by, the contract, they can show to everybody,

[1] V. Voronchenko [2] for example, my bedroom, and put on their website [3] my private — my bedrooms? [4] Q: Yes. [5] A: They have this — this is legal? [6] Q: What they can do under the contract [7] is that they can — [8] MR. ISRAEL: Can I ask a question? [9] You don't have to have a discussion with [10] them on what — you're going to give him [11] legal advice? [12] MR. MANDEL: Obviously I can't [13] advise him. [14] A: For me it's interesting again. [15] Q: Let's talk about this at a break, [16] I'll explain my client's position, and maybe at [17] the end of the day I can explain more about my [18] client's position when you're done testifying. [19] MR. ISRAEL: He understands your [20] client's position. [21] MR. MANDEL: Okay. [22] MR. ISRAEL: He doesn't agree with [23] it, so let's move on. [24] A: Sorry. [25] MR. ISRAEL: Just answer his	Page 165 [1] V. Voronchenko [2] A: Who? [3] Q: Which people at Libracon were you [4] working with? [5] A: Who talking to Libracon? What do [6] you mean? [7] Q: When would you talk to Libracon, [8] what people would you talk to? [9] A: Different one of them, I don't [10] remember his name. Phillip, he is his partner. [11] Q: Anyone else that you can recall? [12] A: I don't know, I never talked to [13] technical people. [14] Q: Did Libracon ever make any [15] modifications or changes to Triarch's drawings? [16] A: It's very difficult to say, because [17] I think — I think the Triarch change their — [18] Libracon's proposition, opposite. Not Libracon, [19] Triarch. Triarch changed some of Libracon [20] proposition, because they were based on Libracon [21] proposal. [22] Even if you remember the design of [23] Libracon, the design of Triarch is the same, but [24] design of Libracon was 10 months before, and of [25] course they showed to Triarch, I showed to
Page 166 [1] V. Voronchenko [2] questions. Please, when he asks you the [3] questions, just answer them. [4] Q: Did you use some Lalique panels in [5] the apartment? [6] A: Lalique panels, yes. [7] Q: Where did you get those panels from? [8] A: You know why? It was my idea [9] because I'm distributor of Lalique in Russia, so [10] during 20 years, you know. [11] Q: Did you manufacture those or [12] distribute Lalique panels? [13] A: I distribute not panels, all Lalique [14] products. [15] Q: All Lalique products? [16] A: Not just panels. This is the idea [17] of the Lalique and my idea and pushed — I did [18] this — [19] Q: So the panels, the ones that you [20] actually used in your apartment, are they ones [21] that you got from your Lalique distribution [22] business? [23] A: Of course, yes. This is a new [24] design. [25] Q: Who would you talk to at Libracon?	Page 166 [1] V. Voronchenko [2] Triarch, proposition of Libracon. Libracon was [3] first, Triarch was second. [4] Q: Is Filip's last name Vuckovic? [5] A: Yes. Absolutely. [6] Q: That is V-U-C-K-O-V-I-C? [7] A: Vuckovic. Vuckovic. [8] MR. MCKEE: Off the record. [9] (Discussion held off the record.) [10] Q: Was it necessary for Triarch to [11] prepare construction drawings in order to create [12] those images? [13] A: Necessary? [14] Q: Yes. Could you create those images [15] without construction drawings? [16] MR. ISRAEL: Objection. [17] Q: If you know? [18] MR. ISRAEL: Which images are you [19] talking about? [20] MR. MANDEL: The renderings, which [21] he referred to as the computer-generated [22] images. [23] Q: You know — [24] A: How can another way they can do [25] this?

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[1] **V. Voronchenko**
[2] MR. ISRAEL: I don't understand, you
[3] can make the computer drawing —
[4] MR. MANDEL: Yes.
[5] MR. ISRAEL: -- without -- without
[6] what?
[7] MR. MANDEL: Without construction
[8] drawings.
[9] MR. ISRAEL: Without construction
[10] drawings.
[11] A: No, this is — this is definitely —
[12] this is the first step, construction drawings. I
[13] don't care construction drawings before I see the
[14] full final project, full — I explain to you
[15] again, full project with the furniture, with the
[16] light, with the everything is ready, everything
[17] is ready. The second step is construction
[18] drawings.
[19] Q: In order to create those computer
[20] images, you need all the dimensions to be
[21] correct, correct?
[22] A: Dimensions?
[23] Q: Yes.
[24] A: Computer, it is not dimensions, just
[25] ideas, nothing, if you know, just idea.

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[1] **V. Voronchenko**
[2] colors. Now it's much more easy. Now they spend
[3] for this two weeks now with a computer you can do
[4] this in couple of hours, you know, the same job.
[5] (Plaintiff's Exhibit 40, e-mail
[6] dated December 11, 2008, marked for
[7] identification.)
[8] A: But another way, how can I
[9] understand without the pictures?
[10] MR. MANDEL: Plaintiff's Exhibit 40
[11] is a December 11, 2008 e-mail which has
[12] five pages of drawings attached, the pages
[13] are not Bates stamped.
[14] Q: Do you have any recollection of
[15] receiving the drawings that are attached in this
[16] e-mail?
[17] A: Collection of what?
[18] Q: Of seeing these — these drawings?
[19] A: I don't remember this. Can you
[20] wait, it's a lot of differences.
[21] Q: What differences are there?
[22] A: First of all, first difference is in
[23] master bathroom, for example, there is a
[24] different — different design. In master
[25] bedroom, this one with the closets, this is no

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[1] **V. Voronchenko**
[2] Q: You think you could generate those
[3] images without putting the dimensions into the
[4] computer?
[5] A: No. It's — you show me — you show
[6] me the — all these pictures, did you see any
[7] numbers, dimension of something? This is just
[8] idea. This is rough idea.
[9] Q: Is it your understanding that
[10] creating those computer images is the standard
[11] way a renovation of a residential apartment is
[12] done?
[13] MR. McKEE: Objection to form.
[14] MR. ISRAEL: Objection.
[15] Q: Would it have been possible to do
[16] the renovation of the apartment without creating
[17] those computer-generated images?
[18] A: No. Everybody, everybody does
[19] computer images, everybody. This is a
[20] professional tradition now. Before they had to
[21] do this much more difficult job. They had to do
[22] this by — by hand, you know, when they did this
[23] like ten years ago, they — the same people,
[24] professional people produced the same books, but
[25] they did by hands, you know, hands and with

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[1] **V. Voronchenko**
[2] doubt because it's part of our decoration before,
[3] before Triarch, we are not talking about this.
[4] In here I see that the master
[5] bedroom, the bed, and above the bed is, I see,
[6] fabric wallpaper. We don't have fabric
[7] wallpaper. And this column fabric. We have this
[8] full of the mirror, where is this fabric we have
[9] lacquer, white lacquer wood, white lacquer wood
[10] and mirror in the center. And —
[11] Q: Go ahead.
[12] A: — it's completely another design.
[13] Q: Do you generally recall reviewing
[14] drawings that were provided to you by Triarch?
[15] A: I checked the drawing.
[16] Q: Do you remember ever seeing any
[17] Triarch drawing?
[18] A: But you showed me.
[19] Q: Right. I see what is here, I'm
[20] asking what is in your mind? Sitting here today,
[21] do you have a memory, do you recall seeing
[22] Triarch drawings?
[23] A: More or less, yes, because you know
[24] why, what is the result of their drawings? The
[25] result of their drawings is my work with them

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[1] **V. Voronchenko**
[2] with every details, I remember.
[3] Q: And could you understand those
[4] drawings? Could you understand what those
[5] drawings would look like if the renovation was
[6] done using those drawings, or did you need the
[7] computer images?
[8] A: Listen, the package of the
[9] professional obligations from the design of the
[10] creator, they have to present you, first of all,
[11] the full books of the computer design of all
[12] piece of property, not only like a painting, like
[13] wall by wall, especially the ceiling. Did you
[14] see in this apartment how — how complicated
[15] ceiling? It's very big job.
[16] The ceiling, to build this ceiling
[17] like this, it's much more money than build the
[18] wall. And they have to show ceiling walls, floor
[19] and whole the apartment. And images of this
[20] apartment, it's their obligations. Book has to
[21] be all — it's not mine because I wanted this.
[22] Everybody wanted this, everybody wanted it. Of
[23] course I want to see the images, not only
[24] drawings. Drawings okay, they put wallpaper.
[25] What is it wallpaper? Wallpaper is going to be

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Page 175

[1] **V. Voronchenko**
[2] the e-mail here, Mr. Voronchenko, the e-mail
[3] below is from Filip, I believe Filip of Libracon?
[4] A: I have a question, who did this,
[5] final drawings, hall and library?
[6] Q: Before we get there, "I am sending
[7] you again the final drawings for hall and
[8] library. I already spoke with Mr. Voronchenko,
[9] and he decides those drawings. There is no need
[10] to change them again. The Plans are okay. We
[11] are not going to change them. I'm also sending a
[12] your final plan. Please send us a final's! Mr.
[13] Voronchenko has to sign them."
[14] So in December of 2008, did you
[15] approve the final plan for the library and the
[16] hall?
[17] A: Look at this, "Dear Michaela, I am
[18] sending you again the final drawings for hall and
[19] library" but who prepared this final drawings?
[20] Filip Vuckovic or Michaela?
[21] Q: I don't know, but that is a
[22] perfectly good question.
[23] I'm going to repeat my question,
[24] Mr. Voronchenko, which is, in December 2008, did
[25] you approve the final plans for the library and

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[1] **V. Voronchenko**
[2] hundred thousand different wallpapers. One of
[3] them is shit, one of them can be beautiful and
[4] what is it? What does it mean, wallpapers?
[5] Draperies, what kind of draperies? Heavy, light,
[6] visible through or not?
[7] Q: In December of 2008, had — I'm done
[8] asking questions about that exhibit. You can set
[9] that aside, if you would like.
[10] In December of 2008, had you decided
[11] on a final plan for the library?
[12] A: I don't remember.
[13] (Plaintiff's Exhibit 41, e-mail
[14] dated December 12, 2008, marked for
[15] identification.)
[16] Q: I've handed you what has been marked
[17] as Plaintiff's Exhibit 41. It is a December 12,
[18] 2008 e-mail —
[19] A: Oh —
[20] Q: — from —
[21] MR. ISRAEL: Let him.
[22] Q: — from Michaela Deiss to Steve
[23] Corelli and e-mails below and there is one page
[24] attached to it.
[25] I'm going to read to you the text of

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[1] **V. Voronchenko**
[2] the hall?
[3] A: Of course I don't remember this.
[4] But during this one I need to understand, the
[5] plans are okay, we are not going to change them.
[6] I'm also sending in your final plan. Please send
[7] us the final's, Mr. Voronchenko has to sign them.
[8] Did I sign? If I signed, it's okay; if I no
[9] signed, it's not okay.
[10] Q: After December of 2008 did you
[11] change the plans for the library in any way?
[12] A: Yes.
[13] MR. ISRAEL: Objection.
[14] You can answer.
[15] Q: How did you change the plans?
[16] A: You saw the — you saw the Lalique
[17] panels.
[18] Q: Other than the Lalique panels, did
[19] you change the plans for the library in any way?
[20] A: Listen, it says the wall in the
[21] library inside, this is a mirror, before it was
[22] not mirror.
[23] Q: Where was the mirror? Where is the
[24] mirror?
[25] A: Just a moment. Where is the

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V. Voronchenko

[1] library? This one and this one from this side
[2] now it's mirror, we changed this and we changed
[3] that. Now it's mirror. It was — it was plan of
[4] Triarch, it was absolutely simple bookcases, but
[5] with Lalique panels. Now it's not — you can
[6] find everyday big cases with a large, from the
[7] ceiling to the floor, Lalique panels.

[8] **MR. MANDEL:** So that the record is
[9] clear, Mr. Voronchenko is pointing to the
[10] side of the library that has bookcases with
[11] respect to the Lalique panels. And with
[12] respect to the mirrors, he's pointing to
[13] the side of the —

[14] **THE WITNESS:** No, mirrors.

[15] **MR. MANDEL:** — to the side of the
[16] library that is adjacent to the living
[17] room.

[18] **THE WITNESS:** With the Triarch, no
[19] mirror here.

[20] **Q:** That is the wall that is adjacent to
[21] the living room; is that correct?

[22] **A:** This is the living room.

[23] **Q:** Right.

[24] **A:** This is —

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V. Voronchenko

[1] [2] design change?
[3] **A:** It was after, it was after — it was
[4] after Triarch, it was not in December.
[5] **Q:** Right. Anytime after December of
[6] 2008, whether it is 2009 or 2010, 2011, anytime
[7] after December of 2008, other than the Lalique
[8] panels and the mirrors, did anything about the
[9] library design change?

[10] **A:** If the design change, after — after
[11] December.

[12] **Q:** What about the design changed?

[13] **A:** I told you, what — what I changed
[14] the design what was the details I changed.

[15] **Q:** Which details did you change? I
[16] know you talked about the Lalique and you talked
[17] about the mirrors. Other than those two things?

[18] **A:** I changed the floor because with
[19] Triarch we didn't — they recommended me not
[20] change the flooring.

[21] **Q:** And what kind of —

[22] **A:** We changed full floor in all
[23] apartment.

[24] **Q:** What kind of floor did you use in
[25] the library?

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V. Voronchenko

[1] [2] **Q:** So the wall next to the living room?
[3] **A:** Yes, in — from the side of the
[4] library.

[5] **Q:** And other than those two changes,
[6] did —

[7] **A:** Listen, very easy for you to fight.

[8] If you see my signature on the plan, you know,
[9] it's — it's okay. Maybe I sign this, if you see
[10] the signature on all of these pages; if not
[11] signature, I have one very strong position,
[12] I — because I had very big experiences in this
[13] kind of business. If people have my signature
[14] okay, I know my signature, I'm not talking about
[15] anything, that is it. And if you ask me about
[16] any drawings without my signa — without my
[17] signature, it's for nothing. I didn't — I
[18] didn't —

[19] **Q:** I understand. I'm just asking after
[20] December.

[21] **A:** I didn't — I didn't —

[22] **Q:** After December 2008?

[23] **A:** Yes.

[24] **Q:** Other than the Lalique panels and
[25] the mirrors, did anything about the library

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V. Voronchenko

[1] [2] **A:** This is the same floor in all
[3] apartment.

[4] **Q:** Same floor in the whole apartment?

[5] **A:** Whole apartment.

[6] **Q:** What kind of floor did you put in in
[7] the whole apartment?

[8] **A:** It is dark wood, black wood, let's
[9] see how it's called this wood, venge, venge wood.

[10] **Q:** Is it W?

[11] **A:** No. V-V-E-N-G-E. Venge wood. We
[12] put it in whole apartment venge wood. It's
[13] after, this is after Triarch.

[14] **Q:** Any other changes to the library?

[15] **A:** Could you show me again the drawings
[16] of Triarch?

[17] **Q:** So the record is clear, I'm showing
[18] Exhibit 4 the page with the library.

[19] **A:** You know — you know what
[20] happened —

[21] **Q:** Defendant's Exhibit 4.

[22] **A:** Because the drawings in — drawings
[23] on their website is different than this one.

[24] This — this part, we don't have this part. We
[25] cancel this part.

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[1]	<i>V. Voronchenko</i>
[2]	MR. MANDEL: So that the record is
[3]	clear, he's referring to the lower
[4]	left-hand corner of the wall that has the
[5]	books on it.
[6]	A: We canceled — we canceled this
[7]	part. Yes, this part we put it here. You see
[8]	the floor here? This is our previous floor, we
[9]	changed the floor.
[10]	Q: We changed the bookcase, we changed
[11]	the walls and we changed the floor. It's a lot.
[12]	A: We just keep — we just keep
[13]	the — the ceiling, but this is just — this is
[14]	just like idea, some prepares the drawing with
[15]	ceiling.
[16]	Q: I apologize if I've been kicking
[17]	you, by the way.
[18]	A: Yes. No problem.
[19]	Q: Did you have to —
[20]	A: Absolutely other furniture,
[21]	absolutely, everything is absolutely another.
[22]	Q: Did you have to obtain approval from
[23]	the building's board of directors in order to do
[24]	the renovations?
[25]	A: Of course, yes. How is it possible?

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[1]	<i>V. Voronchenko</i>
[2]	in the middle of the page from Mr. Braderman to
[3]	Ms. Deiss, I draw your attention to the second
[4]	page, B, "Proposed solution contradicts with what
[5]	we were approved for, i.e. the option proposed by
[6]	you is in conflict with what was approved by the
[7]	Board. Please refer to the drawings approved by
[8]	the Board."
[9]	Does that refresh your recollection
[10]	as to whether you asked Triarch to make its
[11]	designs consistent with what was approved by the
[12]	board?
[13]	A: Triarch has to have this
[14]	board-approved document. How can the — how can
[15]	Triarch can work without this? This is a very
[16]	important city —
[17]	Q: I understand?
[18]	A: — city rules.
[19]	Q: I'm asking whether reading this
[20]	e-mail refreshed your recollection as to whether
[21]	you ever instructed Triarch that their design had
[22]	to be consistent with what the board had already
[23]	approved?
[24]	A: I had only one very hard
[25]	instruction, everything what they do has to be

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[1]	<i>V. Voronchenko</i>
[2]	Q: And did you obtain approval before
[3]	you hired Triarch or after you hired Triarch or
[4]	both?
[5]	A: I think before, I don't remember. I
[6]	think before.
[7]	Q: Did you instruct Triarch that
[8]	whatever modifications to the apartment they did,
[9]	had to be consistent with what the board had
[10]	approved?
[11]	A: I don't remember. They're
[12]	professional people, they need to — to follow up
[13]	on the official rules and law. How can I say
[14]	them?
[15]	MR. ISRAEL: Do you want this back?
[16]	MR. MANDEL: Yes, please.
[17]	(Plaintiff's Exhibit 42, two-page
[18]	e-mail, marked for identification.)
[19]	MR. MANDEL: For the record, Exhibit
[20]	42 is an e-mail chain, the first e-mail of
[21]	which is from Michaela Deiss to Aaron
[22]	Boucher, B-O-U-C-H-E-R, dated December 16,
[23]	2008. And attached to it is one page of
[24]	drawings, the e-mail is two pages.
[25]	Q: Drawing your attention to the e-mail

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[1]	<i>V. Voronchenko</i>
[2]	legal for New York state law. That's it. Has to
[3]	be legal. You know, I don't care what they did,
[4]	but every step, every proposition has to be
[5]	legal, city rules, board of director rules and
[6]	sanitary rules, but it has to be legal, that's
[7]	it.
[8]	Q: Do you recall whether you went back
[9]	to Triarch after —
[10]	MR. MANDEL: Excuse me, withdrawn.
[11]	Q: Do you recall whether you went back
[12]	to the building's board of directors after you
[13]	terminated Triarch to get a second approval to do
[14]	a different design?
[15]	A: I don't know about this. Of course,
[16]	yes, I think how can we change the design without
[17]	approval.
[18]	Q: But you don't recall specifically?
[19]	A: Of course not. But it just my — my
[20]	thinking.
[21]	Q: Am I correct that your friend,
[22]	Michael Kaufman, his daughter's name is Julie
[23]	Kaufman?
[24]	A: Absolutely.
[25]	Q: And did you ever discuss this

[1] **V. Voronchenko**
[2] project with Julie Kaufman?
[3] **MR. ISRAEL:** Objection.
[4] You can answer.
[5] **A:** You know, when we had dinner
[6] with — with Steve, Julia was with us. She
[7] joined us, but what we are talking about, what we
[8] spoking about four years ago, I don't remember.
[9] **Q:** How about after that dinner, did you
[10] have any conversation with Julie Kaufman about
[11] this project?
[12] **A:** I don't remember.
[13] **Q:** Did Julie Kaufman ever ask you to
[14] terminate Triarch?
[15] **A:** I don't remember.
[16] **Q:** Did Julie Kaufman's father ever ask
[17] you to terminate Triarch?
[18] **A:** To terminate Triarch?
[19] **Q:** Yes.
[20] **A:** Terminate is stop to work.
[21] **Q:** To fire them, does that —
[22] **A:** No, never. Oh, I understand. Julia
[23] never asked me about this and her father never
[24] asked me about this.
[25] **Q:** And did — as the divorce was

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[1] **V. Voronchenko**
[2] generally, did he tell you that it was a very bad
[3] divorce?
[4] **A:** I heard about this generally from
[5] different — our mutual friends and la-la-la, I
[6] heard about this.
[7] **Q:** Earlier, I believe you testified
[8] that the divorce was one of the factors that led
[9] you to decide to terminate Triarch; is that
[10] correct?
[11] **A:** It's not very important.
[12] **Q:** You said —
[13] **A:** It was not very important things for
[14] me. But before I feeled like obligation, you
[15] know, to continue to, and because I didn't want
[16] to make unhappy my friend, you know. After this,
[17] I did — I did what I wanted.
[18] **Q:** But no one put any pressure on you
[19] to terminate Triarch?
[20] **A:** No.
[21] **Q:** And did you think that terminating
[22] Triarch would make Michael Kaufman happy?
[23] **MR. ISRAEL:** Objection.
[24] **A:** What do you think about — what do
[25] you think about this?

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[1] **V. Voronchenko**
[2] happening or after the divorce was happening, did
[3] you have any discussion about this project with
[4] Michael Kaufman?
[5] **A:** What do you mean, discussion about?
[6] **Q:** Did he ever say to you —
[7] **A:** Discussion like how is your deal,
[8] you mean this one, okay, or not okay. This is
[9] what was discussion?
[10] **Q:** Yes, that would be discussion.
[11] **A:** I don't remember.
[12] **Q:** What, if anything, did Michael
[13] Kaufman tell you about the divorce of Stephen and
[14] Julie?
[15] **MR. ISRAEL:** Objection.
[16] **A:** This is too deep to the private life
[17] of the people, I don't even understand how can we
[18] discuss about this.
[19] **MR. ISRAEL:** Why is it that you want
[20] to ask about this?
[21] **A:** Divorce of two people, we will talk
[22] about their divorce?
[23] **Q:** Well, let me ask a more general
[24] question. Did he tell you that it was a very bad
[25] divorce, without getting into specifics, just

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[1] **V. Voronchenko**
[2] **Q:** I don't know. I don't know what the
[3] dynamic was.
[4] **A:** Put yourself in the place of my
[5] friend and tell me.
[6] **Q:** Did it make you happy?
[7] **A:** You will be happy if — are you
[8] happy something happened with person who make
[9] your daughter upset? I think you would be happy,
[10] I don't know about Michael Kaufman. I didn't
[11] know about this, but definitely I would be happy.
[12] But Kaufman, I don't know.
[13] **Q:** You're saying that the fact that it
[14] might make Mr. Kaufman happy wasn't a factor in
[15] your decision to terminate —
[16] **A:** I don't know.
[17] **Q:** — Triarch?
[18] **A:** I don't know, I never talked with
[19] him about this. By the way —
[20] **MR. ISRAEL:** Wait, I just object to
[21] you mischaracterizing testimony.
[22] You can continue. Let him ask you
[23] questions, and then you can answer his
[24] questions.
[25] **Q:** I'm showing you what has been marked

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